

November 14, 2016

STATE OF TENNESSEE

COUNTY OF WILLIAMSON

The Williamson County Commission, the Legislative Body of Williamson County, was called to order by Chairman Jack Walton on November 14, 2016, at 7:00 p.m. at the Administrative Complex, Franklin, Tennessee.

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The invocation was given by Commissioner Chalfant.

The Pledge of Allegiance was led by Commissioner Beathard.

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ROLL CALL

County Clerk Elaine Anderson announced 24 'present', with 0 'absent' as follows:

<u>PRESENT</u>	<u>PRESENT</u>	<u>PRESENT</u>	<u>PRESENT</u>
Dana Ausbrooks	Jeff Ford	Todd Kaestner	Brandon Ryan
Tom Bain	Lewis Green, Jr.	David Landrum	Steve Smith
Brian Beathard	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Bert Chalfant	Betsy Hester	Thomas Little	Jack Walton
Sherri Clark	Dwight Jones	Matt Milligan	Paul Webb
Kathy Danner	Ricky Jones	David Pair	Matt Williams

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APPROVAL OF MINUTES

Commissioner Milligan moved to approve the minutes of the regular October 10, 2016, meeting of the Williamson County Commission, the Legislative Body of Williamson County. Seconded by Commissioner Dwight Jones. Motion passed by unanimous voice vote.

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CITIZENS' COMMUNICATION

Chairman Walton explained the rules for Citizens' Communication. Seventeen individuals signed up to address the Commission.

Newly elected State Representative Sam Whitson, 803 Fair Street, Franklin, addressed the Commission regarding his support of Nancy Garrett to fill the vacant 12<sup>th</sup> District School Board position.

Andy Marshall, 1003 West Main Street, Franklin, addressed the Commission regarding his support of Nancy Garrett to fill the vacant 12<sup>th</sup> District School Board position.

Debbie Goodloe, 179 Carronbridge Way, Franklin, addressed the Commission regarding her support of Dr. Sandra Juarez to fill the vacant 12<sup>th</sup> District School Board position.

Pam Prevost, 6216 Belle Rive Drive, Brentwood, addressed the Commission regarding her support of Dr. Sandra Juarez to fill the vacant 12<sup>th</sup> District School Board position.

Hannah Tiblier, 1226 Bradley Drive, Franklin, addressed the Commission regarding her support of Dr. Sandra Juarez to fill the vacant 12<sup>th</sup> District School Board position.

Rosemary Dewar, 9220 Monte Bella Place, Franklin, addressed the Commission regarding her support of Dr. Sandra Juarez to fill the vacant 12<sup>th</sup> District School Board position.

John Williams, 315 Deaderick Street, Nashville, addressed the Commission regarding his opposition to Resolution No. 11-16-7, Resolution of the Williamson County Board of Commissioners to Adopt and Implement an Education Impact Fee and Impact Fee Schedule Pursuant to the Authority Granted by the Provisions and in Accordance with Chapter 120 of the Private Acts of 1987, and to be Assessed and Collected in the Manner as Defined in the Previously Adopted Resolution Related to the Findings and Acceptance of the Impact Fee Report Concerning Residential Development on the Need for New and Expanded Education Facilities.

David Logan, President of the Williamson County Association of Realtors, 1016 West Main Street, Franklin, addressed the Commission regarding his opposition to Resolution No. 11-16-7, Resolution of the Williamson County Board of Commissioners

to Adopt and Implement an Education Impact Fee and Impact Fee Schedule Pursuant to the Authority Granted by the Provisions and in Accordance with Chapter 120 of the Private Acts of 1987, and to be Assessed and Collected in the Manner as Defined in the Previously Adopted Resolution Related to the Findings and Acceptance of the Impact Fee Report Concerning Residential Development on the Need for New and Expanded Education Facilities.

Runcie Clements, 504 Sandcastle Road, Franklin, addressed the Commission regarding his support of Resolution No. 11-16-7, Resolution of the Williamson County Board of Commissioners to Adopt and Implement an Education Impact Fee and Impact Fee Schedule Pursuant to the Authority Granted by the Provisions and in Accordance with Chapter 120 of the Private Acts of 1987, and to be Assessed and Collected in the Manner as Defined in the Previously Adopted Resolution Related to the Findings and Acceptance of the Impact Fee Report Concerning Residential Development on the Need for New and Expanded Education Facilities.

Amy Wells, 303 Gillette Drive, Franklin, addressed the Commission regarding her support of Dr. Sandra Juarez to fill the vacant 12<sup>th</sup> District School Board position.

Randall Smith, 499 Jones Parkway, Brentwood, addressed the Commission regarding his opposition to Resolution No. 11-16-7, Resolution of the Williamson County Board of Commissioners to Adopt and Implement an Education Impact Fee and Impact Fee Schedule Pursuant to the Authority Granted by the Provisions and in Accordance with Chapter 120 of the Private Acts of 1987, and to be Assessed and Collected in the Manner as Defined in the Previously Adopted Resolution Related to the Findings and Acceptance of the Impact Fee Report Concerning Residential Development on the Need for New and Expanded Education Facilities.

Thomas Magli, 302 Public Square, Franklin, addressed the Commission regarding his opposition to Resolution No. 11-16-7, Resolution of the Williamson County Board of Commissioners to Adopt and Implement an Education Impact Fee and Impact Fee Schedule Pursuant to the Authority Granted by the Provisions and in Accordance with Chapter 120 of the Private Acts of 1987, and to be Assessed and Collected in the

Manner as Defined in the Previously Adopted Resolution Related to the Findings and Acceptance of the Impact Fee Report Concerning Residential Development on the Need for New and Expanded Education Facilities.

Mark Watson, 231 Wilson Pike Circle, Brentwood, addressed the Commission regarding his opposition to Resolution No. 11-16-7, Resolution of the Williamson County Board of Commissioners to Adopt and Implement an Education Impact Fee and Impact Fee Schedule Pursuant to the Authority Granted by the Provisions and in Accordance with Chapter 120 of the Private Acts of 1987, and to be Assessed and Collected in the Manner as Defined in the Previously Adopted Resolution Related to the Findings and Acceptance of the Impact Fee Report Concerning Residential Development on the Need for New and Expanded Education Facilities.

Mary Brockman, 1407 Old Hillsboro Road, Franklin, addressed the Commission regarding the conservation of the Old Natchez Trace Road.

Laura Turner, 1108 Dickinson Lane, Franklin, addressed the Commission regarding the conservation of the Old Natchez Trace Road and stated her support of Resolution No. 11-16-7, Resolution of the Williamson County Board of Commissioners to Adopt and Implement an Education Impact Fee and Impact Fee Schedule Pursuant to the Authority Granted by the Provisions and in Accordance with Chapter 120 of the Private Acts of 1987, and to be Assessed and Collected in the Manner as Defined in the Previously Adopted Resolution Related to the Findings and Acceptance of the Impact Fee Report Concerning Residential Development on the Need for New and Expanded Education Facilities.

Christian Curry, 1045 Sneed Road West, Franklin, addressed the Commission regarding his support of Resolution No. 11-16-7, Resolution of the Williamson County Board of Commissioners to Adopt and Implement an Education Impact Fee and Impact Fee Schedule Pursuant to the Authority Granted by the Provisions and in Accordance with Chapter 120 of the Private Acts of 1987, and to be Assessed and Collected in the Manner as Defined in the Previously Adopted Resolution Related to the Findings and

Acceptance of the Impact Fee Report Concerning Residential Development on the Need for New and Expanded Education Facilities.

Bill MacDonald, 4515 South Carothers Road, Franklin, addressed the Commission regarding a bicycle lane on Arno Road and possible funding for a traffic enforcement task force.

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**COMMUNICATIONS and MESSAGES**

Gayle Moyer Harris read the following Proclamation into the record:

**PROCLAMATION OF APPRECIATION**

**WHEREAS**, born in September, 1922 to Drs. Kate Savage and Thomas B. Zerfoss, Elizabeth “Libby” Leslie Zerfoss was an alumna of Vanderbilt University and received her Master’s Degree in Library Science from George Peabody College; and,

**WHEREAS**, together, she and her husband, Edward Allen Fryer, had two children, Martha Hailey DuBose and William S. Fryer; and

**WHEREAS**, in her professional career, Mrs. Fryer worked for the Nashville Public Library and served as head librarian at Battle Ground Academy, Montgomery Bell Academy, and Franklin Road Academy; and,

**WHEREAS**, Mrs. Fryer became involved in local and state politics and subsequently was known for being the first female Magistrate on the Quarterly Court of Williamson County for the 7<sup>th</sup> District from October, 1966 to July, 1978; the first woman president of the Magistrates Association of Tennessee; the first female appointed to the Tennessee Alcoholic Beverage Commission, and the first woman president of the National Conference of State Liquor Administrators; and,

**WHEREAS**, she served on the U. S. Department of Education’s Appeals Board and was appointed by President Ford in 1976 to the National Advisory Council on Women’s Education Programs;

**WHEREAS**, while serving in local politics, she fought for meeting transparency as a precursor to the State Legislature adopting what is now known as the, “Sunshine Law”; she campaigned vigorously for the County to formalize a procedure of adopting roads into the county road system; and collaborated to establish accurate records of which roads were county roads and thus could be maintained at taxpayers’ expense; and, spearheaded changes which helped to result in the adoption of a budget and accounting act;

**NOW, THEREFORE BE IT RESOLVED**, that the Board of County Commissioners, meeting in regular sessions this 14<sup>th</sup> day of November, do hereby express our appreciation to the late Libby Fryer for her 12 years of dedicated service on the legislative body of Williamson County and do hereby pay tribute to her keen insights and actions of working for the betterment of government in this great county.

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IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the County of Williamson to be affixed at Franklin, this the 14th day of November, 2016.

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Jack Walton - Williamson County Commission Chair

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Rogers Anderson - Williamson County Mayor

REPORTS

COUNTY MAYOR

Mayor Anderson asked Nena Graham, Budget Director, to give the financial report. He stated that each Commissioner had received a copy of the Moody's AAA Bond Report and he stated that the County was able to retain its AAA bond rating from Moody's.

Ms. Graham stated that the September Budget Report shows that everything is on track. She stated that the Privilege Tax Report for September shows a continuing positive trend. Ms. Graham stated that the County retained its AAA bond rating.

Ms. Graham stated that each Commissioner received Form CT-0253, Report for the General Purpose Schools Fund Tax Anticipation Note, Series 2017. She stated that the total borrowed is \$17.6 million. (A copy of the report is on file in the Clerk's office.)

Ms. Graham stated that the Cool Springs Marriot Conference Center report for September shows positive collections for the County.

Michael Sanders, General Manager for Franklin Cool Springs Marriott, addressed the Commission and stated that July was a difficult month across the board in the market but stated that improvements will be seen in the future. He stated that Conference Center is on track to exceed the annual projection of \$159,000. Mr. Sanders stated that the roof is currently being replaced at the Conference Center.

Mayor Anderson stated that Commissioner Sturgeon asked him to address the Urban Growth Boundary (UGB) issue currently taking place in Thompson's Station. Mayor Anderson asked County Attorney Jeff Moseley to address the current situation.

Mr. Moseley stated that annexation can be done by one of the following methods:

- A Resolution can be passed with the consent of the owner as long as certain conditions are met.
- Referendum

Mr. Moseley stated that the County objected to the initial attempt to annex because it was done by Resolution and that is not allowed outside of the UGB. He stated that the statute requires the annexation to be done by referendum. Mr. Moseley stated that the County has received notification from the State that the annexation has been certified for a vote by the property owners. He stated that the County can only sue in an annexation by referendum if a constitutional infirmity with the method chosen to annex. Mr. Moseley stated that it is the opinion of counsel that the referendum meets the requirements for annexation and the County is not in a position to challenge the referendum that has been called by the State.

Commissioner Sturgeon asked about the concern for services for the tract of land since Thompson's Station is not providing any additional services for the development.

Mr. Moseley stated that the County's right to sue is different from an interested party's right to sue.

Commissioner Lawrence stated that he is more concerned with the precedent set by the annexation than the development itself.

Mr. Moseley stated that the applicable statute currently allows for annexation by referendum outside of the UGB and in order for it to change, action would need to be taken by the Tennessee General Assembly.

Mayor Anderson stated that he asked Dr. Looney to address some numbers to show how growth is taking place in the County.

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## SCHOOLS

Dr. Mike Looney, Director of Schools, stated that everything is going well in the School System.

Dr. Looney stated that the School System currently has 38,356 students enrolled and has \$10,355,087 in its General Fund. He stated that puts the School System about \$678,889 above the 3% recommended Fund Balance.

Dr. Looney stated that the School System will be presenting its Five Year Capital Plan to the Commission during the January Commission meeting. He stated that the School Board asked for the School System to look further into the future and try to predict a Ten Year Capital Plan as well, to be presented to the Commission during its January meeting.

Dr. Looney provided some numbers to the Commission in regard to projected growth. He stated that the School System projects that student enrollment will increase by approximately 10,000 students over the next five years. Dr. Looney stated that the capital expense that the School System will be presenting for the next ten years will be front loaded for the first six years. He stated that the total anticipated construction cost for seventeen new schools over the next ten years will be just over \$500 million. Dr. Looney stated that projections show an increase of 20,000 students over the next ten years.

Dr. Looney stated that the Planning Department for the School System has not had an increase in staffing in ten years and he stated that the Transportation Department had an increase of one last year. He stated that the departments cannot keep up with their work load and requested the positions during the Budget process. Dr. Looney stated that he declined the requests due to restrictions in presenting the Budget to the Commission and he stated that he told the department heads that they would need to try to work without the additional personnel. He stated that the departments have tried and are not able to keep up with their work load with the current staffing numbers. Dr. Looney asked the Commission to support the proposed Resolution that would provide the additional staffing.

Commissioner Ford asked if the projected construction costs were figured with today's dollar valuations.

Dr. Looney stated that the costs were figured using today's values.

Commissioner Ford asked how much is spent per student for operational costs.

Dr. Looney stated that around \$8,000 is spent per student. He stated that the County can expect a surge of expenditures of about \$1 billion over the next twenty years.

Commissioner Ryan thanked Dr. Looney for providing the numbers and stated that he believes the figures will be higher.

Dr. Looney stated that he believes it would be beneficial to purchase needed land in anticipation of developments in order to save the County money.

Commissioner Hester stated that potentially \$30,000 will be added per new student seat.

Commissioner Pair asked about the breakdown of funding for Schools.

Dr. Looney stated that the Federal government provides less than 2% of funding, the State provides about 43% of funding, and the remaining balance is met by County tax dollars.

Commissioner Pair asked if any other School System in the state is building at the rate of Williamson County.

Dr. Looney stated that about three other School Systems are building at the rate of Williamson County.

Commissioner Danner asked if the building numbers provided by Dr. Looney reflected the new allowed increased capacity.

Dr. Looney stated that the standard school size has increased from 1,600 students to 2,200 students and stated that this increase was included in the projections. He also stated that the School System will look to add on to current schools if the opportunity is present.

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Commissioner Dwight Jones recognized the Williamson County Sheriff's Department for its work in finding a lost child with the use of its helicopter unit.

Sheriff Jeff Long read a letter from the family of the child.

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Commissioner Clark and Commissioner Sturgeon stated that they had recently attended the Citizen’s Academy at the Sheriff’s Department and encouraged everyone to do the same.

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ELECTIONS AND APPOINTMENTS

COUNTY MAYOR:

COUNTY COMMISSION:

BEER BOARD – Three Year Term – Expiring 11/19

At Large

Term Expiring – Tommy Randolph      Nomination – Tommy Randolph

Commissioner Ricky Jones moved to accept Tommy Randolph to the Beer Board. Seconded by Commissioner Dwight Jones. Passed by unanimous voice vote.

Southeast Section

Term Expiring – Tom Wilson      Nomination – Tom Wilson

Commissioner Herbert moved to accept Tom Wilson to the Beer Board. Seconded by Commissioner Hester. Passed by unanimous voice vote.

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SCHOOL BOARD

12<sup>th</sup> District

To Fill an Unexpired Term – Expiring Next General Election (8/18)

Resigned – Susan Curlee      Nomination – Nancy Garrett

Commissioner Smith nominated Nancy Garrett to fill the vacant 12<sup>th</sup> District seat on the Williamson County School Board. Seconded by Commissioner Ausbrooks.

Commissioner Ford nominated Sandra Juarez to fill the vacant 12<sup>th</sup> District seat on the Williamson County School Board. Seconded by Commissioner Clark.

Commissioner Ford asked for each candidate to address the Commission.

Nancy Garrett thanked the Commission for the nomination. She stated that she is dedicated to volunteering and education. Ms. Garrett stated that she has a great work effort and also possesses many professional skills that will be beneficial in the

position. She stated that she understands the needs of the 12<sup>th</sup> District and stated that she has been attending School Board meetings since 2014. Ms. Garrett thanked the Commission for consideration for the position.

Dr. Sandra Juarez stated that she believes she is the most qualified candidate and thanked the Commission for consideration for the position. She stated that the School System is seeing tremendous growth and needs the insight of a former educator. Dr. Juarez stated that she has served the students of Williamson County for over 20 years and stated that she could bring input from a unique perspective of a former educator. She thanked the Commission for consideration of the position.

Commissioner Smith stated that oversights caused the appointment to not be made at the October 10, 2016, County Commission meeting. He stated that he met with all of the candidates and stated that all three candidates are very qualified. Commissioner Smith stated that he and Commissioner Ausbrooks kept their own counsel and he did not participate in anyone else's efforts regarding the process. He stated that he is pleased to nominate Nancy Garrett.

Commissioner Ausbrooks thanked all of the candidates for their time and efforts during the nomination process. She stated that she met with all three candidates and did not speak with the Williamson County Business PAC in regard to the candidates. Commissioner Ausbrooks stated that after her interview process she decided to support the nomination of Nancy Garrett.

Commissioner Clark stated that all three candidates are qualified for the position but stated that she is very impressed with Dr. Juarez's credentials and high level expertise.

Chairman Walton stated that the Commission would vote on the appointment by roll call vote.

County Clerk Elaine Anderson recorded the votes by roll call as follows:

<b><u>NANCY GARRETT</u></b>	<b><u>SANDRA JUAREZ</u></b>
Dana Ausbrooks	Sherri Clark
Tom Bain	Kathy Danner
Brian Beathard	Jeff Ford
Bert Chalfant	Todd Kaestner
Lewis Green, Jr.	Gregg Lawrence
Judy Herbert	Brandon Ryan
Betsy Hester	Barb Sturgeon
Dwight Jones	
Ricky Jones	
David Landrum	
Thomas Little	
Matt Milligan	
David Pair	
Steve Smith	
Jack Walton	
Paul Webb	
Matt Williams	
<b>17</b>	<b>7</b>

Chairman Walton declared that Nancy Garrett had received the required number of votes and would fill the vacant 12<sup>th</sup> District School Board seat.

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Chairman Walton declared a recess at 8:30 p.m.

Chairman Walton called the meeting back to order at 8:45 p.m.

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**CONSENT AGENDA**

The following items were placed on the Consent Agenda:

**ACCEPTING ROADS:**

**RESOLUTION NO. 11-16-2**

**RESOLUTION ACCEPTING ROADS IN ADDITIONS TO BRIENZ VALLEY, SECTION TWO AS A PART OF THE COUNTY ROAD SYSTEM FOR MAINTENANCE BY THE COUNTY HIGHWAY DEPARTMENT LOCATED OFF LEWISBURG PIKE.**

**WHEREAS,** the Williamson County Highway Commission has recommended acceptance of certain subdivision roads into the County Road System; and

**WHEREAS,** a report has been prepared and included herein as specified in Section 18 of the Williamson County Private Acts, 1937, Chapter No. 373 as Amended, prescribing the acceptance of roads as County Roads; and

**WHEREAS,** it is the responsibility of the Williamson County Board of Commissioners through its Highway Commission to accept and maintain public roads for the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Commissioners that:

The following roads be accepted as part of the County Road System for maintenance by the Williamson County Highway Department.

<u>Subdivision</u>	<u>Road(s)</u>	<u>Length</u>	<u>District</u>	<u>Assessed Value Of Property Adjoining Roadway</u>	<u>Roadway Cost Estimate</u>
Additions to Brienz Valley Section One	Ober Brienz Lane	.215	Southeast	\$7,068,700.00	\$92,020.00
	Pilati Place	.037	Southeast	\$479,100.00	\$60,766.00

/s/ Jack Walton  
County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**

Highway Commission For: 5 Against: 0  
Budget Committee For: 5 Against: 0

\*Attachments – On file in Clerk’s Office

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**RESOLUTION NO. 11-16-4**

**RESOLUTION ACCEPTING ROADS IN ADDITIONS TO BRIENZ VALLEY, SECTION ONE AS A PART OF THE COUNTY ROAD SYSTEM FOR MAINTENANCE BY THE COUNTY HIGHWAY DEPARTMENT LOCATED OFF LEWISBURG PIKE.**

**WHEREAS,** the Williamson County Highway Commission has recommended acceptance of certain subdivision roads into the County Road System; and

**WHEREAS,** a report has been prepared and included herein as specified in Section 18 of the Williamson County Private Acts of 1937, Chapter No. 373 as Amended, prescribing the acceptance of roads as County Roads; and

**WHEREAS,** it is the responsibility of the Williamson County Board of Commissioners through its Highway Commission to accept and maintain public roads for the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Commissioners that:

The following roads be accepted as part of the County Road System for maintenance by the Williamson County Highway Department.

<u>Subdivision</u>	<u>Road(s)</u>	<u>Length</u>	<u>District</u>	<u>Assessed Value Of Property Adjoining Roadway</u>	<u>Roadway Cost Estimate</u>
Additions to Brienz Valley Section One	Lucerne Lane	.154	Southeast	\$4,510,400.00	\$65,912.00
	Ober Brienz Lane	.216	Southeast	\$3,675,200.00	\$92,448.00

/s/ Jack Walton  
County Commissioner

COMMITTEES REFERRED TO AND ACTION TAKEN:

Highway Commission	For: <u>5</u>	Against: <u>0</u>
Budget Committee	For: <u>5</u>	Against: <u>0</u>

\*Attachments – On file in Clerk’s Office

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NOTARIES

**NEW**

ADAMS, MICHELE  
 ALLEN, JORDAN C.  
 BAILEY, DOROTHY D.  
 BASS, ASHLEY  
 BELD, THOMAS JOE  
 BELL, MARK  
 BURNS, CODY M.  
 CAREY, JennyLynn  
 CATTIE, RYAN MATTHEW  
 CONRAD, PAIGE  
 CRISLER, DAVID M.  
 DAVIES, ROBIN D.  
 DEDMON SMITH, DANA  
 DICKSON, CHRISTIAN A.  
 DISMUKES, AMY  
 DOSUNMU, AYODELE TEMITOPE  
 ERISMAN, SHARON K.  
 FINDLAY, KAREN EILEEN  
 GARCIA, LEZLIE L.  
 GLEAVES, CHRISTOPHER TODD  
 GONUGUNTLA, SUJANA  
 GRAWLER, ALEXIS  
 GREENBERG, LAURA SMITH  
 GREGORY, AMY D.  
 HENSLEY, CAROLINE MARESA  
 HIGGINS, SUSAN LEE  
 HOLLIS, COLLEEN MARIE  
 IVEY, ALBERT WILSON, III  
 JERRETT, STEVEN KEITH  
 KEATON, SUSAN A.  
 LASTER, TINA R.  
 LEWIS, TERRI JANEEN  
 LUTHER, DEBORAH F.  
 MINOR, AMANDA B.  
 MORENO MEDINA, ALMA V.  
 MURFF, STEVEN RAY  
 O’DELL, SHANNON MICHELLE  
 PEAKE, CHRIS LASSETER  
 PERRY, TERESA GAYLE  
 PHILLIPS, CHELSEA LYNN  
 REILEY, THERESA RENEE  
 ROLAND, MICHAEL A.  
 RUSSOM, JENNIFER

**NEW**

SANDERS, HATTIE L.  
 SAUER, AUSTIN THOMAS  
 SAWHNEY, ANIL  
 SCOTT, NANCY NICOLE  
 SMITH, PRISCILLA  
 SMITH, PRISCILLA  
 SOLOMON, CHARLTON LUKE  
 SOUTHERGILL, LINDA H.  
 STEPHENS, MARGARET  
 STOCKELAND, HEATHER D.  
 STONESTREET, ASHLEE RENEE  
 TALBERT, KRISTA L.  
 THORNTON, BRITTANY NICOLE  
 WALLACE, GUY  
 WILLIAMS, LEIGH M.

**RENEWALS**

ALVARADO, JONATHAN A.  
 ASHBURN, APRIL  
 AUSTIN, WENDY E.  
 BABCOCK, LYNN J.  
 BARKER, KATHY D.  
 BAUER, JENNIFER  
 BEEKMAN, TIMOTHY ALLAN  
 BELL, MARK  
 BLANKS, MELONIE M.  
 BRACE-TURNIPSEED, TAMMIE  
 BRELINSKI, HEATHER  
 BRICKER, KIRA L.  
 BROOKS, LINDA G.  
 BROWN, ALEXIS H.  
 BUFORD, DEJUAN L.  
 BURNS, DEBBIE F.  
 CADEN, THERESA C.  
 CASE, KATHERINE G.  
 CHUNN, JAN F.  
 CLAY, TREVOR A.  
 DAVIES, ROBIN D.  
 DAVIS, W. WILLIAM  
 DeBRUYN, EDWARD J.  
 DeFRANCISCO, RONALD X., JR.  
 DUKE, WENDY R.  
 EDWARDS, DONNA S.

**RENEWALS**

FREDETTE, AARON  
 GERMAN, LAURA  
 GILL, NANCY  
 GILLIAM, LINDA J.  
 GOSSETT, AMY F.  
 GRAVES, KENNETH D.  
 GREENE, TERESA  
 GRIFFIS, GINGER J.  
 HARRINGTON, JANICE E.  
 HEIDEPRIEM, KIM  
 HENRY, DARYL  
 HOOD, DEANA C.  
 HUBBARD, A. SCOTT  
 HUBBARD, ANDREW RYAN  
 HUDGINS, THOMAS  
 HUXTABLE, GENA  
 IRWIN, CHRISTY M.  
 ISER, GINA J.  
 JACKSON, SHERRY  
 JOHNS, TIFFANY M.  
 JOHNSON, JOYCE DAY  
 JOHNSON, NEIL A.  
 JORDAN, STEPHANIE R.  
 KRISTOF, ALEXANDER L.  
 KRONK, SABRINA HOPKINS  
 LaBREC, LISHA  
 LAWSON, ASHLEY B.  
 MADISON, JAN  
 MALLARD, AMY  
 MANN, DIANE K.  
 MANUEL, SARA  
 MARKS, CATHY S.  
 MARTIN, CHARI L.  
 MASON, REBECCA S.  
 MAXEY, LaRHONDA H.  
 McCAIN, CLINT  
 McCAY, BARBARA  
 McCLELLAN, KATHLEEN HALE  
 McCLENDON, DANA C., III  
 McCULLOUGH, JOHN S.  
 McMILLAN, JACK  
 McPHERSON, SHELLY L.  
 MILLER, YVONNE M.  
 MOLDREM, JILL P.

**RENEWALS**

Commissioner Little moved to accept the complete Consent Agenda, seconded by Commissioner Chalfant.

The Consent Agenda passed by unanimous recorded vote, 24 'Yes' and 0 'No' as follows:

MORTON, CHARLES E., IV  
 MOTLEY, SARAH M.  
 NAFE, SONYA L.  
 NEAL, CYNTHIA D.  
 NEUMAIER, NICOLE  
 NEWMAN, PHIL R.  
 NICHOLS, JULIE  
 NIRAVONG, AUSTIN  
 O'LANNERGHTY, BRIDGETT EVANS  
 PACKARD, PHYLLIS  
 PASTIN, DINA  
 PATTON, JUANITA E.  
 PATTON, SARA  
 PAUTIENUS, ROBERT M., III  
 PETERSON, AMI M.  
 POLK, LORI A.  
 POOLE, DEBORAH T.  
 QUIHUIS-VARELA, LETICIA R.  
 RAWLS, MARILYN L.  
 RICHARDSON, EMILY  
 RICKE, DURONA A.  
 RIDENS, ANNE W.  
 ROBERTS, DIANE  
 RUSSELL, HOLLIE  
 RUTLEDGE, JOHN A.  
 SANDERS, BRANDON L.  
 SAVAGE, DONNA L.  
 SIMMONS, BRIAN  
 SMITH, MELISSA  
 SMITH, WHITNEY FAITH  
 STOCKDALE, JOHN  
 STOVALL, JULIA E.  
 STRENCIWILK, MAE  
 TIDWELL, NICHOLAS M.  
 USHER, JENNIFER  
 VANZIN, JACOB  
 VAUGHN, JORDAN D.  
 VERMILYE, CAROLYN  
 WEYGANDT, GERALD E.  
 WHITAKER, CHERYL R.  
 WILLIAMS, JANICE  
 WINDROW, SONYA Y.  
 WOODARD, CATHERINE WEATHERS  
 YAWN, LISA E.

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Dana Ausbrooks	Jeff Ford	Todd Kaestner	Brandon Ryan
Tom Bain	Lewis Green, Jr.	David Landrum	Steve Smith
Brian Beathard	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Bert Chalfant	Betsy Hester	Thomas Little	Jack Walton
Sherri Clark	Dwight Jones	Matt Milligan	Paul Webb
Kathy Danner	Ricky Jones	David Pair	Matt Williams

Chairman Walton asked if there were any objections to moving Resolution No. 11-16-6, Resolution to Accept and Approve the Findings, Conclusions, Methodology, Purpose, and Intent of the Education Impact Fee Study and to Adopt the Policy, Rules, and Procedures for Implementation of an Education Impact Fee Pursuant to the Provisions of Chapter 120 of the Private Acts of 1987, and Making Findings of Fact to Provide for Support of a Resolution of Williamson County for the Levy of an Education Facilities Impact Fee Schedule, forward on the Agenda. There were no objections.

Chairman Walton asked if there were any objections to moving Resolution No. 11-16-7, Resolution of the Williamson County Board of Commissioners to Adopt and Implement an Education Impact Fee and Impact Fee Schedule Pursuant to the Authority Granted by the Provisions and in Accordance with Chapter 120 of the Private Acts of 1987, and to be Assessed and Collected in the Manner as Defined in the Previously Adopted Resolution Related to the Findings and Acceptance of the Impact Fee Report Concerning Residential Development on the Need for New and Expanded Education Facilities. There were no objections.

#### RESOLUTION NO. 11-16-6

Commissioner Clark moved to accept Resolution No. 11-16-6, seconded by Commissioner Kaestner.

**RESOLUTION TO ACCEPT AND APPROVE THE FINDINGS, CONCLUSIONS, METHODOLGY, PURPOSE, AND INTENT OF THE EDUCATION IMPACT FEE STUDY AND TO ADOPT THE POLICY, RULES, AND PROCEDURES FOR IMPLEMENTATION OF AN EDUCATION IMPACT FEE PURSUANT TO THE PROVISIONS OF CHAPTER 120 OF THE PRIVATE ACTS OF 1987, AND MAKING FINDINGS OF FACT TO PROVIDE FOR SUPPORT OF A RESOLUTION OF WILLIAMSON COUNTY FOR THE LEVY OF AN EDUCATION FACILITIES IMPACT FEE SCHEDULE**

**WHEREAS**, by action of the Tennessee General Assembly, Chapter 120 of the Private Acts of 1987 were created and subsequently confirmed by action of the Williamson County Board of Commissioners on May 7, 1987; and

**WHEREAS**, the Board of Commissioners of Williamson County, Tennessee (hereinafter "County Commission") has determined that Williamson County, including the jurisdiction of the municipalities (hereinafter "County") has and will continue to experience residential development which generates a need for additional public education facilities and related capital items; and

**WHEREAS**, the Williamson County Board of County Commissioners solicited requests for proposals to conduct an education facility impact fee for high schools in the Franklin Special School District and for kindergarten through eighth grade and high schools outside the Franklin Special School District; and

**WHEREAS**, Williamson County retained TischlerBise of Bethesda, Maryland to accumulate data and research the need for an education facility impact fee and if warranted by the conclusions of the study, to establish new residential development's proportionate share demand for capital education improvements needed to serve new residential development; and

**WHEREAS**, TischlerBise prepared and presented an education impact analysis titled, "Williamson County, Tennessee School Fees," dated October 14, 2016 ("Impact Fee Report"), to the County Commission for which, upon approval of this resolution, accepts the findings; and

**WHEREAS**, the Budget Task Force was created to study and make recommendations to the County Commission concerning the proportionality between new residential growth and the effect on the need for new or expanded school facilities; and

**WHEREAS**, the County Commission, intends to implement a reasonable education facilities impact fee to meet the proportionate demand of new residential development for expansion or additional education facilities, in accordance with the Impact Study Report, objectives, and policies; and

**WHEREAS**, Williamson County conducted three stakeholder meetings and three public meetings, which public notice was given; and

**WHEREAS**, residential builders, developers, realtors, bankers, and local municipal elected officials were invited to participate in the stakeholder and public meetings to discuss the proposed Impact Fee; and

**WHEREAS**, Section 6 of the Impact Fee Private Act requires the County Commission to adopt procedures, schedules, and a method for the payment of the impact fees; and

**WHEREAS**, the County Commission, after due consideration, finds that the recommended education fees are in accordance with the Williamson County Capital Improvement Program and the proportionate demand new residential development will generate the need for additional or expanded education facilities;

**WHEREAS**, understanding the impact of assessing the new Impact Fee on Developers, the County Commission has determined that fifty percent of the established Impact Fee shall be assessed for a period of six months and then the full amount of the Impact Fee will be assessed; and

**WHEREAS**, based on the Impact Fee Report and the most recent and localized data, the County Commission adopts the following rules and procedures for the creation, implementation, and assessment of an impact fee on new residential development:

**NOW THEREFORE**, the Williamson County Board of Commissioners, meeting in regular session, this the 14<sup>th</sup> day of November, 2016, upon recommendation by the Budget Task Force, by majority vote, accept and approve the findings, conclusions, methodology, purpose, and intent of the Impact Fee Report and to adopt the following policy, rules, and procedures for implementation of an education impact fee pursuant to the provisions of Chapter 120 of the Private Acts of 1987:

Section 1. This Resolution shall be referenced as the “Williamson County Education Impact Fee.”

Section 2. Purpose. The purpose of this Resolution is to exercise the authority provided by the Tennessee General Assembly through the Impact Fee Act by adoption and implementation of an Impact Fee. The County intends to adopt fees in accordance with the requirement of the Impact Fee Act, applicable law, and this Resolution for the purpose of mitigating the impact the new residential development has on the County’s need to build or expand education facilities. The County Commission hereby adopts and incorporates by reference the Impact Study Report dated October 14, 2016.

Section 3. Definitions. As used in this Resolution, unless a different meaning appears from the context:

(3.1) “Building Permit” means a permit required for residential development issued in Williamson County whether issued by Williamson County, or by any city therein;

(3.2) “Board of Adjustments and Appeals” means the board previously established in Williamson County that hears appeals to the Adequate Facility Tax and the Adequate School Facility Tax;

(3.3) “Capital Improvement Program” means the proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expenses, for the purchase, construction, or replacement of the physical assets of the community are included;

(3.4) “Certificate of Occupancy” means a license for occupancy of a residential dwelling issued in Williamson County, whether by Williamson County or by any city therein;

(3.5) “County Commission” means the Williamson County Board of Commissioners;

(3.6) “Developer” means the person, corporation, partnership, or other entity responsible for any new residential land development;

(3.7) “Development” means the construction, building, or erection, of Residential dwelling units;

(3.8) "Education Facilities" means the buildings and equipment, structures, and special education use areas that are built, installed, or established to serve primarily education purposes.

(3.9) "Encumbered" shall mean moneys committed by contract or purchase order in a manner that obligates the county, the city or the school board to expend the encumbered moneys upon delivery of goods, the rendering of services or the conveyance of real property by a vendor, supplier, contractor or owner.

(3.9) "Facility expansion" means the expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new capital improvement, in order that the existing facility may serve new Development. The term does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

(3.10) "Impact Fee" means the fee assessed to a Developer for the proportionate share of the cost of Education Facilities needed to serve the new Development, which is reasonably related to the demand created by new Development, and which is used for Education Facilities that benefit the new development;

(3.11) "Impact Fee Act" means the Tennessee General Assembly, Chapter 120 of the Private Acts of 1987;

(3.12) "Impact Study Report" means the "Williamson County, Tennessee School Fees" analysis dated October 14, 2016 which may be amended from time to time by periodically reviewing and studying the growth calculations and the impact on the need for Education Facilities;

(3.13) "Residential" means the development of any property for a dwelling unit or units; and

(3.14) "Senior Citizen Dwelling" means new residential dwellings that are restricted by deed covenant restricting ownership to individuals 55 years or older.

#### Section 4. Findings. Williamson County finds and declares that:

(4.1) Based on the Impact Study Report, the proposed Impact Fees defined in a separate resolution are based on recent and localized data available at the time the Impact Study Report was conducted;

(4.2) New Development has caused increased demands on Education Facilities;

(4.3) The County Commission has determined that ad valorem tax revenue and other revenues will not be sufficient to provide the capital improvements to the school system which are necessary to accommodate such growth.

(4.4) The establishment of a school impact fee is consistent with the comprehensive plan and is specifically found to serve a county purpose.

(4.5) Based on current data, projections indicate that new Development will continue and it will place increasing demands on Williamson County to provide new or expanded Education Facilities;

(4.6) The expansion or construction of new Education Facilities needed to serve new Development should be partially financed by Developments creating the demand by paying a proportionate share of the cost for the expansion or construction of Education Facilities;

(4.7) The Impact Fee is equitable and does not impose an unfair burden on such developments by requiring developers to pay more than their fair or proportionate share of the cost;

(4.8) The Impact Fee is reasonably necessary to provide the essential Education Facilities to serve new Development; and

(4.9) The County Commission has considered the short-term and long-term public and private costs and benefits of the proposed school impact fee resolution and school impact fee study and has determined that sufficient information has been provided to enable the County Commission to act. Therefore, the proposed resolution need not be submitted to any additional advisory boards, nor shall an economic justification study be required, except as otherwise set forth herein.

(4.10) The obligation of Impact Fees upon new Development to fund expanding or construction of new Education Facilities to serve the Development is in the best interest of the citizens of Williamson County.

(4.11) The County Commission acknowledges that there are deficiencies in the capital improvement plan which will be addressed by the County Commission with revenues other than school impact fees.

(4.12) The proposed development shall be presumed to generate the maximum number of students by the most intensive residential use permitted under the applicable land-development regulations such as the comprehensive plan or zoning ordinances or under applicable deed or plat restrictions.

Section 5. Administration. The Impact Fee shall be administered by the Williamson County Community Development Department in accordance with the Impact Fee Act and this resolution. Any school impact fee collected by the County or by a city shall be deposited and held by the County in separate and distinct from all other revenues.

Section 6. Service Areas. There are created two service areas; the area included within the boundary of the Franklin Special School District and the area within Williamson County that is outside the Franklin Special School District. Williamson County provides elementary, middle, and high schools in the area outside the Franklin Special School District. Williamson County only provides for high schools within the Franklin Special School District.

Section 7. Calculation and Collection of Impact Fees.

(7.1) The Impact Fee established in this act shall be calculated and collected at the time of application for a Building Permit for Development as herein defined or, if a Building Permit is not required, at the time of application for a Certificate of Occupancy by the County or city administrator duly authorized in such jurisdiction to issue Building Permits or certificates of occupancy. If the Impact Fee is collected by the County, the county building official or other responsible official shall be the administrator and shall collect payment in full in cash or other negotiable instrument as specified by this Resolution or the resolution defining the Impact Fee schedule. If the Impact Fee is collected by a city, the city shall, before issuance of the Building Permit or Certificate of Occupancy, receive

payment in cash or by a negotiable instrument payable to the County in the full amount of the Impact Fee due.

(7.2) On the last business day of each week the cities shall transfer such cash and negotiable instruments to the county administrator. No Building Permit for development as herein defined, or Certificate of Occupancy if no Building Permit is required, shall be issued in Williamson County unless the Impact Fee has been paid in full to Williamson County or a negotiable instrument approved by the county attorney and payable to the County has been received.

(7.3) If no Building Permit is required, the Developer shall provide to the County administrator a form of surety in an amount equal to the Impact Fee that will be due at the time of application of the Certificate of Occupancy ensuring payment of the Impact Fee subsequent to the issuance of a Building Permit but prior to the Certificate of Occupancy. The security may be in the form of a cash bond, security bond, or an irrevocable letter of credit.

(7.4) The Developer shall pay fifty percent of the assessed Impact Fee rate approved by the County Commission beginning on March 1, 2017 and extending through August 31, 2017. On and after September 1, 2017, a Developer shall be assessed the full amount of the Impact Fee unless otherwise exempt.

(7.5) The obligation of payment of the school impact fee shall run with the land.

Section 8. Credits. The Impact Fee approved by the County Commission includes the applicable credits against the amount of the Impact Fee for new residential development. The Impact Fee specifically includes credit for the amount of development taxes assessed in accordance with the Adequate Facility Tax and the Adequate School Facility Tax or other payment for which is used for the expansion, purchase, or construction of new Education Facilities that would have been financed through impact fees and that are required by Williamson County as a condition of approval for the Development. In addition to development taxes, the credit includes all of the revenue sources that pay for general debt service fund and the rural debt service fund.

Section 9. Exemptions. The Following shall be exempted from payment of the Impact Fees:

(9.1) Senior housing that prohibits permanent residence (longer than 90 days) by persons under the age of eighteen (18) by recorded deed restriction, recorded declaration of covenants and restrictions, recorded plat restrictions, or other restrictions provided by law, and which qualifies as one of the three (3) types of communities designed for older persons as "housing for older persons" in the Housing for Older Persons Act, 42 U.S.C. § 3607(b);

(9.2) Alterations or expansion of an existing dwelling unit where no additional dwelling units are created;

(9.3) The construction of accessory buildings or structures which will not create additional dwelling units;

(9.4) County facilities constructed for nonproprietary governmental purposes;  
and

(9.5) A structure owned by a non-profit corporation which is a qualified 501(c)3 corporation under the Internal Revenue Code.

## Section 10. Accounting.

(10.1) The Impact Fees collected under this Resolution shall be kept in a separate capital projects fund from other revenue of Williamson County. Impact Fees shall be used for the acquisition, expansion, and development of Education Facilities for which purpose they were collected and shall be withdrawn and expended as is designated by resolution of the governing body. All interest shall be retained in the account and expended for the purposes for which the Impact Fees were imposed.

(10.2) Prior to expending funds collected through the Impact Fee, the County Commission must adopt and declare the nature of the proposed public improvement, the portion of expense thereof to be paid by the Impact Fee, the manner in which the impact fee will be used and if known, when the funds will be appropriated for the capital project.

## Section 11. Expenditure of Impact Fees.

(11.1) The Impact Fees collected shall be expended only in conformance with the Capital Improvement Program. Impact Fees shall be expended or encumbered for a permissible use within five years of collection, unless there exists an extraordinary and compelling reason for the Impact Fees to be held longer than five years and the County Commission makes a finding that expenditures made greater than five years after collection will result in a proportionate benefit to the fee payor. Such extraordinary or compelling reasons and finding of benefit shall be identified in writing, accepted by the County Commission during a regular scheduled meeting, and placed upon the minutes of the County Commission. In no event shall Impact Fees be held longer than ten years.

(11.2.)The monies deposited into the school impact fee trust account shall be used solely for the purpose of providing growth-necessitated capital improvements to education plants and ancillary plants of the school system which are approved by the school board in its capital improvements budget consistent with the state school plant survey including, but not limited to:

- (11.2.1) Land acquisition, including any cost of acquisition;
- (11.2.2) Fees for professional services including, but not limited to, architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management;
- (11.2.3) Design and construction documents;
- (11.2.4) Site development and on-site and off-site improvements incidental to the construction thereto;
- (11.2.5) Any permitting or application fees necessary for the construction;
- (11.2.6) Design and construction of education plants and ancillary plants;
- (11.2.7) Design and construction of drainage facilities required by the construction of education plants and ancillary plants or improvements thereto;
- (11.2.8) Relocation of utilities required by the construction of education plants and ancillary plants or improvements or additions thereto;
- (11.2.9) Acquisition of furniture, vehicles and equipment necessary to accommodate students, faculty, administrators, staff and the activities of the education programs and services at education plants which are necessitated by growth;
- (11.2.10) Repayment of monies borrowed from any budgetary fund of the county subsequent to the effective date of this Resolution, which were used to fund growth-necessitated capital improvements to the Education Facility as

provided herein, provided, however, that the intent of this provision is not to allow the use of impact fees as a pledge for any bonds; and

(11.2.11) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the county, the cities or school board to fund growth-necessitated improvements and additions to the school system subsequent to the effective date of this article, provided, however, that the intent of this provision is not to allow the use of impact fees as a pledge for any such bonds.

(11.3) The impact fees collected pursuant to this article shall be returned to the then current owner of the property on behalf of which such fee was paid, if such fees have not been expended or encumbered prior to the end of the fiscal year immediately following the sixth anniversary or the date immediately following the tenth anniversary of the date upon which such fees were paid. Refunds shall be made only in accordance with the following procedure:

(11.3.1) The then present owner shall petition the County Commission for the refund within one year following the end of the calendar quarter immediately following five or if the extended, ten years from the date on which the fee was received.

(13.3.2) The petition for refund shall be submitted to the superintendent and shall contain:

(13.3.2.1) A notarized sworn statement that the petitioner is the present owner of the property on behalf of which the impact fee was paid; and

(13.3.2.2) A copy of the deed certified by a title company to be the latest recorded deed or a copy of the most recent ad valorem tax bill.

(11.4) Within three months from the date of receipt of a petition for refund, the Williamson County Budget Director will advise the petitioner and the County Commission of the status of the impact fee requested for refund, and if such impact fee has not been expended or encumbered within the applicable time period, then it shall be returned to the petitioner, with interest paid at the rate of three percent per annum. For the purposes of this section, fees collected shall be deemed to be spent or encumbered on the basis of the first fee in shall be the first fee out.

(11.5) In the event that a building permit, issued for residential construction, expires or otherwise becomes invalid prior to completion of the residential construction for which it was issued and for which an Impact Fee was paid, the applicant may, within one hundred twenty days of the expiration or invalidity of the building permit, apply for a refund of the Impact Fee. Failure to timely apply for a refund of the Impact Fee shall waive any right to a refund.

(11.5.1) The application for refund shall be filed with the local government that issued the subject building permit, with a copy to the superintendent, and contain the following:

(11.5.1.1) The name and address of the applicant;

(11.5.1.2) The location of the property which was the subject of the building permit;

(11.5.1.3) The date the Impact Fee was paid;

(11.5.1.4). A copy of the receipt of payment for the school impact fee; and

(11.5.1.5) The date the building permit was issued and the date of expiration or that it was declared invalid.

(11.5.1) After verifying that the building permit has expired the County shall refund it.

(11.5.2.) A building permit which is subsequently issued for residential construction on the same property which was the subject of a refund shall pay the school

impact fee based on the rate effective as of the date of the subsequently pulled building permit as required herein.

Section 12. Fee Adjustment. Every three years, Williamson County shall study and adjust the Impact Fee to meet the proportionate demand new residential development will create for additional or expanded Education Facilities based on the then available current data. Adjustments to the Impact Fee will be calculated on a detailed analysis of the then available current data. The County Commission shall establish and reappoint a Budget Task Force the purpose of which will be to recommend a methodology for performing a school impact fee study. Where practicable, such methodology should be consistent with the prior school impact fee. The Budget Task Force shall review the school impact fee study, update methodology where necessary to utilize the most accurate and recent local data, and may review the school impact fee ordinance and recommend revisions to it. The County Commission shall define the members and appoint such members to the Budget Task Force. Meetings will be coordinated and in accordance with the Tennessee Open Meetings law.

Section 13. Appeals. Any Developer aggrieved by the decision of the County administrator or other responsible official concerning any aspect of this Resolution may obtain review of the official's decision in the following manner:

(13.1 ) The Developer makes payment of the disputed Impact Fees to Williamson County and notifies the County administrator that the payment is made under protest.

(13.2) The Developer must submit in writing the bases of its appeal of the decision of the official in written form within thirty days of the protest and payment of the Impact Fee. Appeals shall be heard by the Williamson County Board of Adjustments and Appeals. Hearings shall be scheduled within forty-five days of receipt of the written request for appeal.

(13.3) The Board of Adjustments and Appeals shall render a decision on all hearings within thirty days of the hearing date, unless the hearing is continued from time to time by a majority vote of the board for further information.

(13.4) The Board of Adjustments and Appeals shall act as a quasi-judicial body whose purpose is to determine the intent of this act, its applicability to the Developer, and to rule upon the interpretation of the administrator or other collecting official.

(13.5) The Board of Adjustments and Appeals will not be bound by formal rules of evidence applicable to the various courts of the state.

(13.6) Hearings before the Boards of Adjustments and Appeals shall proceed as follows:

(13.6.1) The County administrator or other official shall explain his ruling and the reasons for his ruling.

(13.6.2) The Developer shall explain its reasons for protesting the ruling.

(13.6.3) The Board of Adjustments and Appeals may request further information from any county official, including, but not limited to the County Mayor, county commissioners, or committee members, the county attorney, or the county planning staff. The Board will not have the power of subpoena.

(13.6.4) The Board of Adjustments and Appeals will deliberate and render a decision by a majority vote. Decisions will be reduced to writing and copies shall be sent to all parties and shall become a part of the minutes of the Board of Adjustments and Appeals. Decisions of the Board of

Adjustments and Appeals shall be final, except that either Williamson County, or the person aggrieved may seek review of the board's actions by certiorari and supersede as to the chancery court of Williamson County, Tennessee, provided that an application to the court is made within sixty days of the written decision of the Board of Adjustments and Appeals.

Section 14. Annual report by the Budget Director.

(14.1) Within ninety days after the end of the County's fiscal year, the Budget Director shall deliver to both the County Commission a report containing the following information with respect to the fiscal year just ended:

- (14.1.1) The amount of Impact Fee revenue received during the fiscal year;
- (14.1.2) The amount of investment earnings received on funds in the school impact fee accounts during the fiscal year;
- (14.1.3) The balances in the school impact fee accounts at the beginning and the end of the fiscal year;
- (14.1.4) A summary of the expenditures made during the fiscal year in whole or in part from funds on deposit in the school impact fee accounts, including a list of school construction projects and any other School capital projects funded during the fiscal year in whole or in part from monies on deposit in the school impact fee accounts; and
- (14.1.5) Whether the impact fee schedule continues to reflect the most recent and localized data available, and whether any changes to the data would materially and significantly change the Impact Fee, such that a school impact fee study update should be undertaken.
- (14.1.6) Any other data and information necessary or useful for the board and the school board to understand the sources and uses of the funds on deposit and to be assured that such funds have been used only as allowed under this Resolution and applicable law.

Section 15. The Developer or seller shall furnish the information required pursuant to Tenn. Code Ann. § 66-5-211 to a purchaser for transfers involving the first sale of a residential dwelling.

Section 16. This Resolution will be subject to repeal by a majority vote of the County Commission.

Section 17. The authority to impose this Impact Fee on new Development in Williamson County is in addition to all other authority to impose taxes, fees, assessments, or other revenue raising or land development regulatory measures granted either by the private or public acts of the state of Tennessee and with the exceptions of the credit assessed against the Impact Fee the imposition of such in addition to any other authorized tax, fee, assessment or charge, shall not be deemed to constitute double taxation.

Section 18. The provisions of this Resolution shall in no manner repeal, modify, or interfere with the authority granted by any other public or private law applicable to Williamson County. This act shall be deemed to create an additional and alternative method for Williamson County to impose and collect revenue for the purpose of providing Capital Education Facilities made necessary by new residential Development in the County.

Section 19. If any provisions of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 20. The Impact Fee or any part of the Impact Fee shall not be assessed prior to March 1, 2017.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect upon adoption, the public welfare requiring it.

/s/ Dana Ausbrooks  
County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**

Tax Study Committee	For: <u>4*</u>	Against: <u>0</u>	*As amended
Budget Committee	For: <u>5*</u>	Against: <u>0</u>	*As amended
Education Committee	For: <u>6*</u>	Against: <u>0</u>	*As amended

\*As amended – Include the following amendments:

1. Replace all references to "impact fee" and "school impact fee" with "Education Impact Fee;"
2. Replace all references to "Impact Fee Report" with "Impact Study Report"
3. In the tenth "Whereas" delete the reference to "Private" to read "Impact Fee Act;"
4. In the eleventh "Whereas" replace "educational fees" with "Education Impact Fee;"
5. Amend the third subsection referenced as "(3.9)" with "(3.10)" and renumber the following subsections in accordance with the revision;
6. In subsections 7.1, 13.4, 18, and 19 replace the word "act" with "Resolution;"
7. In subsection 9.1, delete the language in its entirety and replace with the following language: "The Impact Fee shall be waived on Senior Citizens Dwellings that are restricted by deed covenant restricting ownership to individuals 55 years or older;"
8. Amend Sections 11.3.2 and 11.5.1 to replace "Superintendent" with "Community Development Director and his/her authorized designee;" and
9. Amend Section 14.1 by deleting "both" in the first sentence;
10. Additional Amendment. Replace all references of "educational plants and ancillary plants" and "educational plants" with "Educational Facilities."
11. Additional Amendment. Renumber the sections under Section 11 accordingly;  
and
12. Additional Amendment. In section 11.2, replace "educational plants and ancillary plants of the school system with "Educational Facilities" and "state school plant survey" with "Capital Improvement Program."

Commissioner Kaestner stated that the study has been going on for almost one year with a consultant. He stated that the fee is simply math and stated that new arrivals should pay for the costs that they create. Commissioner Kaestner stated that

the recent property tax increase was implemented to fund current expenses and stated that the fee is necessary to fund the schools that will have to be built and funded by the County because of growth in residential development.

Commissioner Kaestner moved to amend the Resolution by including the following amendments:

1. Replace all references to "impact fee" and "school impact fee" with "Education Impact Fee;"
2. Replace all references to "Impact Fee Report" with "Impact Study Report"
3. In the tenth "Whereas" delete the reference to "Private" to read "Impact Fee Act;"
4. In the eleventh "Whereas" replace "educational fees" with "Education Impact Fee;"
5. Amend the third subsection referenced as "(3.9)" with "(3.10)" and renumber the following subsections in accordance with the revision;
6. In subsections 7.1, 13.4, 18, and 19 replace the word "act" with "Resolution;"
7. In subsection 9.1, delete the language in its entirety and replace with the following language: "The Impact Fee shall be waived on Senior Citizens Dwellings that are restricted by deed covenant restricting ownership to individuals 55 years or older;"
8. Amend Sections 11.3.2 and 11.5.1 to replace "Superintendent" with "Community Development Director and his/her authorized designee;" and
9. Amend Section 14.1 by deleting "both" in the first sentence;

Commissioner Clark seconded the motion to amend.

The amendment passed by unanimous recorded vote, 24 'Yes' and 0 'No' as follows:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Dana Ausbrooks	Jeff Ford	Todd Kaestner	Brandon Ryan
Tom Bain	Lewis Green, Jr.	David Landrum	Steve Smith
Brian Beathard	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Bert Chalfant	Betsy Hester	Thomas Little	Jack Walton
Sherri Clark	Dwight Jones	Matt Milligan	Paul Webb
Kathy Danner	Ricky Jones	David Pair	Matt Williams

Commissioner Beathard thanked Commissioner Kaestner for his due diligence with the Resolution. He stated that he believes the fee will help with affordable housing in the County and stated that he does not believe it is fair to ask long time citizens of the County to continually bear the burden of residential development growth.

Commissioner Beathard stated his support of the Resolution and asked the other Commissioners to support the Resolution.

Commissioner Sturgeon asked about the exceptions to the fee.

County Attorney Bobby Cook stated the exceptions to the fee as follows:

- Senior citizen dwellings with a deed covenant restricting ownership
- Expansion of a current dwelling
- Accessory buildings that do not have bedrooms
- Government owned property
- Non-profit owned structures

Commissioner Smith asked about the possibility of a property transfer tax.

Mr. Cook stated that County is prohibited by law from collecting a property transfer tax.

Commissioner Milligan asked Mr. Cook to address the legal concerns that have been expressed concerning the Resolution.

Mr. Cook stated that he believes that the Resolution meets the requirements of the County's Private Act and that the act sets forth a two part test. The first is to adopt and develop the process and fee calculations. The second step involves the County adopting a resolution to expend the funds as provided in Section 5 of the Private Act.

Commissioner Milligan asked if the Resolution goes against the Vested Property Rights Act.

Mr. Cook stated that he does not believe the Vested Property Rights Act is applicable in this case.

Commissioner Milligan asked about the binding nature of an Attorney General's opinion.

Mr. Cook stated that an Attorney General's is given considerable weight but is not law.

Mr. Milligan asked if an Attorney General's opinion would keep the County from being sued.

Mr. Cook stated that an Attorney General's opinion would not keep the County from being sued.

Commissioner Lawrence stated that he understands the concerns regarding the Resolution. He stated that the County added approximately 2,000 houses at an average valuation of \$500,000. Commissioner Lawrence stated these new residences will generate approximately \$5 million in revenue for the County and he stated that this is not enough money to pay for all of the costs associated with growth. He stated that he would prefer a one time fee as opposed to a raise in property taxes.

Commissioner Kaestner moved to amend the Resolution by including the following amendments:

10. Additional Amendment. Replace all references of "educational plants and ancillary plants" and "educational plants" with "Educational Facilities."
11. Additional Amendment. Renumber the sections under Section 11 accordingly; and
12. Additional Amendment. In section 11.2, replace "educational plants and ancillary plants of the school system with "Educational Facilities" and "state school plant survey" with "Capital Improvement Program."

Commissioner Clark seconded the motion to amend.

The amendment passed by unanimous recorded vote, 24 'Yes' and 0 'No' as follows:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Dana Ausbrooks	Jeff Ford	Todd Kaestner	Brandon Ryan
Tom Bain	Lewis Green, Jr.	David Landrum	Steve Smith
Brian Beathard	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Bert Chalfant	Betsy Hester	Thomas Little	Jack Walton
Sherri Clark	Dwight Jones	Matt Milligan	Paul Webb
Kathy Danner	Ricky Jones	David Pair	Matt Williams

Commissioner Pair stated that the County needs to get the impact fee correct the first time. He stated that he feels the Resolution is being rushed and noted that there are outstanding legal questions regarding the fee. Commissioner Pair moved to defer the Resolution until the January 9, 2017, County Commission meeting.

Commissioner Little seconded the motion to defer.

Commissioner Ryan asked if the Resolution would go back through the Committee process if it is deferred.

Commissioner Pair stated that it is not his intention for the Resolution to go back through the Committee process and stated that he feels the deferral would allow more time to gather information.

Commissioner Sturgeon asked if the Attorney General's opinion would be available by the January meeting.

Commissioner Pair stated that he believes the Attorney General's opinion would be available by the January meeting.

Commissioner Kaestner stated that he expects a legal challenge regardless of the Attorney General's opinion and stated his opposition to the deferral.

In response to questions from Commissioner Ford, Attorney Bobby Cook stated that the fee would go into effect on March 1, 2017, and he stated that the Commission would be able to revisit the issue before implementation if necessary.

Commissioner Milligan thanked the citizens in attendance for their opinions. He stated that the process has been ongoing since January and he has just recently received any opposition to the Resolution. Commissioner Milligan stated that no one has presented any other solution to the problem of funding growth in the County. He stated that he hopes everyone will do what is best for the children in the County and stated his opposition to deferral.

The motion to defer failed by recorded vote, 3 'Yes' and 21 'No' as follows:

<u>YES</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>
Bert Chalfant	Dana Ausbrooks	Judy Herbert	Matt Milligan
David Landrum	Tom Bain	Betsy Hester	Brandon Ryan
David Pair	Brian Beathard	Dwight Jones	Steve Smith
	Sherri Clark	Ricky Jones	Barb Sturgeon
	Kathy Danner	Todd Kaestner	Jack Walton
	Jeff Ford	Gregg Lawrence	Paul Webb
	Lewis Green, Jr.	Thomas Little	Matt Williams

Commissioner Ryan asked if there are any projections that the fee would have on future growth in the County.

Carson Bise, President of Tischler/Bise, stated that it has been his experience nationally that there has not been a discernible impact on development due to an impact fee because people choose to locate in particular area for specific reasons, i.e. good schools.

Resolution No. 11-16-6, as amended, passed by recorded vote, 22 'Yes' and 2 'No' as follows:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Dana Ausbrooks	Judy Herbert	Thomas Little	Matt Williams
Tom Bain	Betsy Hester	Matt Milligan	
Brian Beathard	Dwight Jones	Brandon Ryan	<u>NO</u>
Sherri Clark	Ricky Jones	Steve Smith	Bert Chalfant
Kathy Danner	Todd Kaestner	Barb Sturgeon	David Pair
Jeff Ford	David Landrum	Jack Walton	
Lewis Green, Jr.	Gregg Lawrence	Paul Webb	

RESOLUTION NO. 11-16-7

Commissioner Clark moved to accept Resolution No. 11-16-7, seconded by Commissioner Kaestner.

**RESOLUTION OF THE WILLIAMSON COUNTY BOARD OF COMMISSIONERS TO ADOPT AND IMPLEMENT AN EDUCATION IMPACT FEE AND IMPACT FEE SCHEDULE PURSUANT TO THE AUTHORITY GRANTED BY THE PROVISIONS AND IN ACCORDANCE WITH CHAPTER 120 OF THE PRIVATE ACTS OF 1987, AND TO BE ASSESSED AND COLLECTED IN THE MANNER AS DEFINED IN THE PREVIOUSLY ADOPTED RESOLUTION RELATED TO THE FINDINGS AND ACCEPTANCE OF THE IMPACT FEE REPORT CONCERNING RESIDENTIAL DEVELOPMENT ON THE NEED FOR NEW AND EXPANDED EDUCATION FACILITIES**

**WHEREAS**, by action of the Tennessee General Assembly, Chapter 120 of the Private Acts of 1987 were created and subsequently confirmed by action of the Williamson County Board of Commissioners on May 7, 1987; and

**WHEREAS**, the Board of Commissioners of Williamson County, Tennessee (hereinafter "County Commission") has determined that Williamson County, including the jurisdiction of the municipalities (hereinafter "County"), has and will continue to experience residential development which generates a need for additional public education facilities and related capital items; and

**WHEREAS**, Williamson County retained TischlerBise of Bethesda, Maryland to accumulate data and research the need for an education facility impact fee, and if warranted by the conclusions of the study, to establish new residential development's proportionate share demand for capital education improvements needed to serve new residential development; and

- WHEREAS,** TischlerBise prepared and presented an education impact analysis titled, “Williamson County, Tennessee School Fees,” dated October 14, 2016 (“Education Impact Fee Report”); and
- WHEREAS,** the Budget Task Force was created to study and make recommendations to the County Commission concerning the proportionality between new residential growth and the effect on the need for new or expanded school facilities; and
- WHEREAS,** the Williamson County Board of County Commissioners adopted Resolution No. \_\_\_\_\_, to accept and approve the findings, conclusions, methodology, purpose, and intent of the Education Impact Fee Report and to adopt the policy, rules, and procedures for implementation of an education impact fee pursuant to the provisions of Chapter 120 of the Private Acts of 1987; and
- WHEREAS,** Section 6 of Chapter 120 of the Private Acts of 1987 requires the County Commission to adopt schedules, and set the Education Impact Fee rates; and
- WHEREAS,** finding the impact fee schedule and the amounts recommended in by the Education Impact Fee Report to be levied meets the proportionate demand and need for new residential development for expansion or additional education facilities, in accordance with the Education Impact Fee Report, objectives, and policies, the County Commission, adopts and implements the Impact Fee schedule as defined below; and
- WHEREAS,** the amount of the Education Impact Fee to be imposed shall be determined by the cost of additional or expanded education facilities needed to meet the increased student generation rates from new residential development in accordance with the Education Impact Fee schedule and in accordance with the findings established by the Education Impact Fee Report for those public facilities as identified by the Analysis and Plan; and
- WHEREAS,** based on the findings of the Education Impact Fee Report and the Williamson County Education Impact Fee resolution approved by action of the County Commissioners, there are two service areas within the County that will have Education Impact Fee rates based on the types of schools provided in the two areas. The area located in the Franklin Special School District (“FSSD”), that services only k-8 schools and the area of the County outside the FSSD that services k-12 schools. The Education Impact Fee amount is based on the impact of new residential dwellings are projected to have on the need for additional school capacity and the location of the dwellings in accordance with the FSSD territorial boundaries; and
- WHEREAS,** understanding the impact of assessing the new Education Impact Fee on Developers, the County Commission has determined that only fifty percent of the established Education Impact Fee shall be assessed for a period of six months following the effective date and then the full amount of the Impact Fee will be assessed thereafter; and
- WHEREAS,** the County Commission hereby finds and declares that an Education Impact Fee imposed upon residential development in order to assist in the financing of specified education capital improvements in the defined service areas, the demand for which is attributable to new development, is

in the best interests of Williamson County and its residents, is equitable, and does not impose an unfair burden on such development:

**NOW THEREFORE**, the Williamson County Board of Commissioners, meeting in regular session, this the 14<sup>th</sup> day of November, 2016, upon recommendation by the Budget Task Force, adopts, implements, and assesses the Education Impact Fee and impact fee schedule in accordance with the provisions of Chapter 120 of the Private Acts of 1987, the Education Impact Fee Study and Resolution No. \_\_\_\_\_ as follows:

Section 1. The form and substance of the terms contained in Resolution No. \_\_\_\_\_ referenced as the Williamson County Education Impact Fee is hereby made a part hereof as if fully set forth herein.

Section 2. The amount of the Education Impact Fee rates defined below shall be assessed at a rate equal to Fifty Percent (“50%”) of the adopted Education Impact Fee rates specified below for all building permits issued prior to September 1, 2017 or prior to the first day of the sixth month after the Education Impact Fee is effective and assessed. On the first day after the expiration of the six month period and each day thereafter One Hundred Percent (“100%”) of the Education Impact Fee will be assessed and due on all residential dwelling building permits based on the impact fee schedule defined below.

Section 3. The Education Impact Fee shall be assessed, unless otherwise exempted, for Residential Dwellings Units within the Franklin Special School District as follows:

Dwelling Unit Size	9-12 School Levels Fee for Each Dwelling Unit
1,399 sq. feet or less	\$1,145.00
1,400 to 1,899 sq. feet	\$1,914.00
1,900 to 2,399 sq. feet	\$2,502.00
2,400 to 2,899 sq. feet	\$2,993.00
2,900 to 3,399 sq. feet	\$3,386.00
3,400 sq. feet or more	\$3,745.00

Section 4. The Education Impact Fee shall be assessed, unless otherwise exempted, for Residential Dwellings Units outside the Franklin Special School District as follows:

Dwelling Unit Size	K-8 School Level	9-12 School Level	Total Fee for Each Dwelling Unit
1,399 sq. feet or less	\$1,682.00	\$1,145.00	\$2,827.00
1,400 to 1,899 sq. feet	\$3,404.00	\$1,914.00	\$5,317.00
1,900 to 2,399 sq. feet	\$4,718.00	\$2,502.00	\$7,220.00
2,400 to 2,899 sq. feet	\$5,795.00	\$2,993.00	\$8,788.00
2,900 to 3,399 sq. feet	\$6,689.00	\$3,386.00	\$10,074.00
3,400 sq. feet or more	\$7,464.00	\$3,745.00	\$11,210.00

Section 5. Payment shall be made in accordance with the Williamson County Education Impact Fee.

Section 6. Every three years, Williamson County shall study and adjust the Education Impact Fee to meet the proportionate demand new residential development will create for additional or expanded education facilities based on the then available current data. Adjustments to the Education Impact Fee will be calculated on a detailed analysis of the then available current data and this resolution shall be amended upon approval of the County Commission in accordance with the findings.

Section 7. The authority to impose this Education Impact Fee on new Development in Williamson County is in addition to all other authority to impose taxes, fees, assessments, or other revenue raising or land development regulatory measures granted either by the private or public acts of the state of Tennessee and with the exceptions of the credit assessed against the Education Impact Fee, the imposition of such, in addition to any other authorized tax, fee, assessment or charge, shall not be deemed to constitute double taxation.

Section 8. The provisions of this Resolution shall in no manner repeal, modify, or interfere with the authority granted by any other public or private law applicable to Williamson County. This act shall be deemed to create an additional and alternative method for Williamson County to impose and collect revenue for the purpose of providing Capital Education Facilities made necessary by new residential Development in the County.

Section 9. If any provisions of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 10. The Impact Fee shall not be assessed prior to March 1, 2017.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect upon adoption, the public welfare requiring it.

/s/ Dana Ausbrooks  
County Commissioner

COMMITTEES REFERRED TO AND ACTION TAKEN:

Tax Study Committee	For: <u>4*</u>	Against: <u>0</u>	*As amended
Budget Committee	For: <u>5*</u>	Against: <u>0</u>	*As amended
Education Committee	For: <u>6*</u>	Against: <u>0</u>	*As amended

\*As amended – Include the following amendments:

1. Amend to insert the reference Resolution “11-16-6” in the sixth Whereas, under the Now Therefore, and in the first sentence of Section 1;
2. Replace all references to “impact fee” and “school impact fee” with “Education Impact Fee;”
3. Replace all references to “Impact Fee Report” and “Education Impact Fee Report” with “Impact Study Report;” and
4. In the first “Whereas” replace “were” with “was;”

Commissioner Kaestner moved to amend the Resolution by including the following amendments:

1. Amend to insert the reference Resolution “11-16-6” in the sixth Whereas, under the Now Therefore, and in the first sentence of Section 1;
2. Replace all references to “impact fee” and “school impact fee” with “Education Impact Fee;”
3. Replace all references to “Impact Fee Report” and “Education Impact Fee Report” with “Impact Study Report;” and
4. In the first “Whereas” replace “were” with “was;”

Commissioner Clark seconded the motion to amend.

The amendment passed by unanimous recorded vote, 24 ‘Yes’ and 0 ‘No’ as follows:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Dana Ausbrooks	Jeff Ford	Todd Kaestner	Brandon Ryan
Tom Bain	Lewis Green, Jr.	David Landrum	Steve Smith
Brian Beathard	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Bert Chalfant	Betsy Hester	Thomas Little	Jack Walton
Sherri Clark	Dwight Jones	Matt Milligan	Paul Webb
Kathy Danner	Ricky Jones	David Pair	Matt Williams

Resolution No. 11-16-7, as amended, passed by recorded vote, 22 ‘Yes’ and 2 ‘No’ as follows:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Dana Ausbrooks	Judy Herbert	Thomas Little	Matt Williams
Tom Bain	Betsy Hester	Matt Milligan	
Brian Beathard	Dwight Jones	Brandon Ryan	<u>NO</u>
Sherri Clark	Ricky Jones	Steve Smith	Bert Chalfant
Kathy Danner	Todd Kaestner	Barb Sturgeon	David Pair
Jeff Ford	David Landrum	Jack Walton	
Lewis Green, Jr.	Gregg Lawrence	Paul Webb	

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Chairman Walton declared a recess at 10:00 p.m.

Chairman Walton called the meeting back to order at 10:05 p.m.

Commissioner Green did not return to the meeting.

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ZONING

PUBLIC HEARING

Chairman Walton opened the Public Hearing regarding Resolution No. 11-16-1, Resolution to Amend Section 13.05 (C) of the Zoning Ordinance Text, Originally Adopted May 14, 2012, Regarding Floodplain Regulations to Adopt the Revised FEMA Flood Insurance Rate Maps. There being no one to speak, Chairman Walton closed the public hearing.

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RESOLUTION NO. 11-16-1

Commissioner Little moved to accept Resolution No. 11-16-1, seconded by Commissioner Webb.

**A RESOLUTION TO AMEND SECTION 13.05(C) OF THE ZONING ORDINANCE TEXT, ORIGINALLY ADOPTED MAY 14, 2012, REGARDING FLOODPLAIN REGULATIONS TO ADOPT THE REVISED FEMA FLOOD INSURANCE RATE MAPS**

**WHEREAS,** on May 14, 2012, the Board of County Commissioners adopted the Williamson County Zoning Ordinance and Official Zoning Map, and established an effective date of January 1, 2013; and

**WHEREAS,** areas of Williamson Count are subject to periodic inundation which could result in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

**WHEREAS** these areas are designated by FEMA through the Flood Insurance Rate Maps as a part of the National Flood Insurance Program (NFIP); and

**WHEREAS** Williamson County has participated in the NFIP since 1981 in order to ensure the ability of the citizens of Williamson County to have access to flood insurance; and

**WHEREAS,** Williamson County and its Board of County Commissioners desires to maintain eligibility in the NFIP and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations, ch.1, Section 60.3; and

**WHEREAS,** when those Flood Insurance Rate Maps are updated by FEMA, it is incumbent upon participating governmental entities to also update those maps in their local regulations; and

**WHEREAS,** the preliminary maps were issued on August 29, 2014, with notice provided via newspaper, links to the proposed maps on the County website and a public open house was conducted on March 3, 2015; and

**WHEREAS,** following issuance of the preliminary maps, a 90-day appeal period was initiated by FEMA and FEMA received no valid requests for changes; and

**WHEREAS,** by letter dated June 22, 2016, FEMA notified the County that the new Flood Insurance Study and associated Flood Insurance Rate Maps would become effective December 22, 2016; and therefore, Williamson County must adopt the new study and maps prior to this effective date; and

**WHEREAS,** Williamson County is authorized to adopt such regulations through its zoning authority in accordance with Tennessee Code Annotated, Title 13, Chapter 7, Part 1; and

**WHEREAS,** in furtherance of such authority, the Board of County Commissioners desires to amend the Zoning Ordinance to adopt the new Flood Insurance Rate Maps dated December 22, 2016, which said maps are referenced in the amendments attached hereto and incorporated herein as Attachment A; and

**WHEREAS,** on October 13, 2016, the Williamson County Regional Planning Commission conducted its official Public Hearing on these amendments, which are attached hereto and incorporated herein; and

**WHEREAS,** based upon its consideration of all the information, public comment and its own Public Hearing, the Williamson County Regional Planning Commission has recommended the adoption of the amendments as presented; and

**WHEREAS,** the Board of County Commissioners finds and determines that the best interests of Williamson County and its citizens will be served by the adoption of these amendments to the 2013 Zoning Ordinance as recommended by the Regional Planning Commission; and

**WHEREAS,** due notice has been published and a public hearing has been held as required by the Tennessee Code Annotated, Title 13, Chapter 7, Part 1.

**NOW, THEREFORE, BE IT RESOLVED,** that the Williamson County Board of Commissioners at its regular meeting on this the 14th day of November, 2016, after conducting the public hearing as required by law, hereby adopts the amendments to the 2013 Williamson County Zoning Ordinance, which are attached hereto as Attachment A and incorporated herein as if included verbatim, in accordance with its authority in Tennessee Code Annotated, Title 13, Chapter 7, Part 1.

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** that the amendments will be effective and enforced as of the 22<sup>nd</sup> day of December, 2016.

/s/ Jack Walton  
County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**

Regional Planning Commission For: 9 Against: 0

\*Attachments – On file in Clerk’s Office

Resolution No. 11-16-1 passed by recorded vote, 22 ‘Yes’, 0 ‘No’ and 1 ‘Out’ as follows:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Dana Ausbrooks	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Tom Bain	Betsy Hester	Thomas Little	Jack Walton
Bert Chalfant	Dwight Jones	Matt Milligan	Paul Webb
Sherri Clark	Ricky Jones	David Pair	Matt Williams
Kathy Danner	Todd Kaestner	Brandon Ryan	<u>OUT</u>
Jeff Ford	David Landrum	Steve Smith	Brian Beathard

APPROPRIATIONS

RESOLUTION NO. 11-16-5

Commissioner Herbert moved to accept Resolution No. 11-16-5, seconded by Commissioner Ricky Jones.

**RESOLUTION REQUESTING \$ 63,608 FOR 2 NEW POSITIONS BASED ON NEED FROM FUND BALANCE**

**WHEREAS**, due to growth demands, including capital planning, transportation, enrollment and other needs that have substantially increased the time demands on strategic planning since the budgeting process was complete for the current budget year, there is a need within the zoning department to add an additional planning and zoning specialist; and

**WHEREAS**, there is a similar need in the Transportation Department that has drawn existing employees' efforts from daily work related to technology, field trips and other services; and

**WHEREAS**, these positions were requested early during the budget preparation process and were deleted prior to Board approval of the final budget; and

**WHEREAS**, once the school year started it became apparent that these positions are desperately needed to ensure the efficient operations of these departments; and

**WHEREAS**, this was an unexpected expense and fund balance will be used to cover this need;

**NOW, THEREFORE BE IT RESOLVED**, that the Williamson County Board of County Commissioners meeting in regular session on November 14, 2016 amend the 2016-2017 General Purpose School Fund budget as follows:

**REVENUE:**

141.39000	Fund Balance	<b>\$63,608</b>
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**EXPENDITURE:**

141.72320.516300	Zoning Splst	\$22,400
141.72320.520100	FICA	1,390
141.72320.520400	Retirement	1,055
141.72320.520600	Life Insurance	34
141.72320.520700	Medical Insurance	6,270
141.72320.520800	Dental Insurance	330
141.72320.521200	Medicare	325
141.72710.518900	Technology Splst	22,400
141.72710.520100	FICA	1,390

141.72710.520400	Retirement	1,055
141.72710.520600	Life Insurance	34
141.72710.520700	Medical Insurance	6,270
141.72710.520800	Dental Insurance	330
141.72710.521200	Medicare	325
		<b>\$63,608</b>

/s/ Judy Herbert \_\_\_\_\_  
County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**

School Board	For: <u>11</u>	Against: <u>0</u>
Education Committee	For: <u>6</u>	Against: <u>0</u>
Budget Committee	For: <u>0</u>	Against: <u>5</u>

Commissioner Lawrence asked for someone on the Budget Committee to explain their vote on the Resolution.

Commissioner Dwight Jones stated his opposition to the Resolution. He stated that the positions were not asked for during the Budget process and he stated that he believes employees could be moved around to help with the workload.

Commissioner Milligan asked Dr. Looney to address the Resolution and asked why the positions are being asked for after the Budget process.

Dr. Looney stated that the County asked for a streamlined Budget without any frills and that is what he provided. He stated that the Department Heads requested the positions be placed in the Budget but he stated that he asked them to try to make everything work without the additional employees. Dr. Looney stated that the Department Heads have exhausted all options to try to make it work but the workload cannot be completed with the current staffing.

Dr. Looney stated that the School System is not asking of any additional funding as it has the money in its General Fund. He stated that the School System is simply asking for the positions to be added to the number of positions that were already approved.

Commissioner Kaestner asked Dr. Looney if the School System has the flexibility in its Budget and is now just acknowledging the need for more FTEs.

Dr. Looney stated that is correct.

Commissioner Ford asked Dr. Looney if he believes the positions are the best use of the funds.

Dr. Looney stated that he believes so but he also stated that due to continuing growth in the County, the School System will need additional funding in the future.

Commissioner Chalfant called for the question. Seconded by Commissioner Bain.

The motion passed by unanimous voice vote.

Resolution No. 11-16-5 passed by recorded vote, 17 'Yes' and 6 'No' as follows:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>NO</u>
Tom Bain	Judy Herbert	Matt Milligan	Dana Ausbrooks
Brian Beathard	Betsy Hester	Brandon Ryan	Dwight Jones
Bert Chalfant	Ricky Jones	Steve Smith	David Landrum
Sherri Clark	Todd Kaestner	Paul Webb	David Pair
Kathy Danner	Gregg Lawrence	Matt Williams	Barb Sturgeon
Jeff Ford	Thomas Little		Jack Walton

RESOLUTION NO. 11-16-10

Commissioner Webb moved to accept Resolution No. 11-16-10, seconded by Commissioner Little.

**RESOLUTION APPROPRIATING AND AMENDING THE 2016-2017  
LIBRARY BUDGET BY \$14,805.00 - REVENUES  
TO COME FROM MISCELLANEOUS DONATIONS**

**WHEREAS,** Tennessee Code Annotated, Section 5-8-101, provides that a county government may accept donations of money, intangible personal property, tangible personal property and real property that are subject to conditional or restrictive terms if the county legislative body accepts them by majority vote; and

**WHEREAS,** the Williamson County Public Library has received donations from the City of Franklin which can be utilized for library collections and services; and

**WHEREAS,** these funds were not anticipated during the preparation of the current operating budget;

**NOW, THEREFORE, BE IT RESOLVED,** that the 2016-17 Library Budget be amended, as follows:

**REVENUES:**

City of Franklin  
(101.00000.486102.00000.00.00. 00) **\$ 14,805**

**EXPENDITURES:**

Library Books  
(101.56500.543201.00000.00.00. 00) **\$ 14,805**

/s/ Paul Webb \_\_\_\_\_  
 County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**

Library Board For: 6 Against: 0  
 Budget Committee For: 5 Against: 0

Resolution No. 11-16-10 passed by unanimous recorded vote, 23 'Yes' and 0 'No' as follows:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Dana Ausbrooks	Jeff Ford	David Landrum	Steve Smith
Tom Bain	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Brian Beathard	Betsy Hester	Thomas Little	Jack Walton
Bert Chalfant	Dwight Jones	Matt Milligan	Paul Webb
Sherri Clark	Ricky Jones	David Pair	Matt Williams
Kathy Danner	Todd Kaestner	Brandon Ryan	

**RESOLUTION NO. 11-16-11**

Commissioner Sturgeon moved to accept Resolution No. 11-16-11, seconded by Commissioner Hester.

**RESOLUTION ACCEPTING A DONATION OF \$5,000.00 FROM THE BRENTWOOD POLICE DEPARTMENT TO BE USED FOR MAINTENANCE OF THE SHERIFF'S OFFICE GUN RANGE AND APPROPRIATING AND AMENDING THE 2016-17 WILLIAMSON COUNTY SHERIFF'S OFFICE BUDGET BY \$5,000 – REVENUES TO COME FROM DONATIONS**

**WHEREAS**, Tennessee Code Annotated, Section 5-8-101, provides that a county government may accept donations of money, intangible personal property, tangible personal property and real property that are subject to conditional or restrictive terms if the county legislative body takes action to accept the conditional donation; and

**WHEREAS**, the Williamson County Sheriff's Office has a gun range located at 408 Century Court, Franklin; and

**WHEREAS**, the Brentwood Police Department has generously donated \$5,000 to the Williamson County Sheriff's Office to be used towards maintenance related expenses of the gun range; and

**WHEREAS**, this revenue was not anticipated during the 2016-17 budget process; and

**WHEREAS**, the Williamson County Board of Commissioners finds it in the interest of the citizens of Williamson County to accept the generous donation of \$5,000 from the Brentwood Police Department:

**NOW, THEREFORE, BE IT RESOLVED**, that the Williamson County Board of Commissioners, meeting in regular session this the 14<sup>th</sup> day of November, 2016, on behalf of the Williamson County Sheriff's Office, accepts the generous donation of \$5,000 from the Brentwood Police Department to be used towards maintenance related costs for the gun range:

**AND BE IT FURTHER RESOLVED**, that the 2016-17 Williamson County Sheriff's Office budget be amended as follows:

**REVENUES:**

Donations **\$5,000**  
 (101.00000.486100.00000.00.00.00)

**EXPENDITURES:**

Sheriff's Office – Maintenance **\$5,000**  
 (101.54210.533500.00000.00.00.00)

/s/ Barb Sturgeon  
 County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**

Law Enforcement/Public Safety Committee For: 4 Against: 0  
 Budget Committee For: 5 Against: 0

Resolution No. 11-16-11 passed by unanimous recorded vote, 23 'Yes' and 0 'No' as follows:

YES	YES	YES	YES
Dana Ausbrooks	Jeff Ford	David Landrum	Steve Smith
Tom Bain	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Brian Beathard	Betsy Hester	Thomas Little	Jack Walton
Bert Chalfant	Dwight Jones	Matt Milligan	Paul Webb
Sherri Clark	Ricky Jones	David Pair	Matt Williams
Kathy Danner	Todd Kaestner	Brandon Ryan	

**RESOLUTION NO. 11-16-12**

Commissioner Sturgeon moved to accept Resolution No. 11-16-12, seconded by Commissioner Little.

**RESOLUTION AUTHORIZING THE COUNTY TO ENTER INTO A GRANT AGREEMENT WITH THE STATE OF TENNESSEE, DEPARTMENT OF TRANSPORTATION AND APPROPRIATING AND AMENDING THE 2016-17 SHERIFF'S DEPARTMENT BUDGET BY \$39,999.98 -REVENUES TO COME FROM FEDERAL THROUGH STATE GRANT FUNDS**

**WHEREAS**, highway traffic safety grant funds are available through the Tennessee Highway Safety Office; and,

**WHEREAS**, the Sheriff's Department has applied for and received grant funds through this program, which can be utilized for expenses associated with the following:

- Training for prosecutors and law enforcement officials in driving under the influence (DUI) prosecution techniques and reporting
- Law enforcement activities to decrease the number of DUI crashes
- DUI toxicology testing and training to reduce the backload of pending DUI cases

- Youth alcohol programs designed to prevent the purchase and use of alcohol and DUI related crashes
- Programs to reduce DUI repeat offender behavior
- Designated driver programs
- Programs to improve prosecution and reduce the backload of DUI cases pending in courts

**WHEREAS**, these grant funds are based on reimbursements and received on a quarterly basis;

**NOW, THEREFORE, BE IT RESOLVED**, that the 2016-17 Sheriff’s Department be amended, as follows:

**REVENUES:**

Federal Through State Grant-Highway Safety **\$39,999.98**  
 (101.00000.475900.00000.00.00.00.G0012)

**EXPENDITURES:**

Overtime Pay (101.54110.518700.00000.00.00.00) \$21,299.98  
 Other Capital Outlay (101.54110.579900.00000.00.00.00) **\$18,700.00**  
 Total **\$39,999.98**

/s/ Barb Sturgeon  
 County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**

Law Enforcement/Public Safety Committee For: 4 Against: 0  
 Budget Committee For: 5 Against: 0

Resolution No. 11-16-12 passed by unanimous recorded vote, 23 ‘Yes’ and 0 ‘No’ as follows:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Dana Ausbrooks	Jeff Ford	David Landrum	Steve Smith
Tom Bain	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Brian Beathard	Betsy Hester	Thomas Little	Jack Walton
Bert Chalfant	Dwight Jones	Matt Milligan	Paul Webb
Sherri Clark	Ricky Jones	David Pair	Matt Williams
Kathy Danner	Todd Kaestner	Brandon Ryan	

**RESOLUTION NO. 11-16-13**

Commissioner Sturgeon moved to accept Resolution No. 11-16-13, seconded by Commissioner Little.

**RESOLUTION APPROPRIATING AND AMENDING THE 2016-17 SHERIFF’S OFFICE BUDGET BY \$75,000 - REVENUES TO COME FROM COUNTY GENERAL FUND BALANCE**

**WHEREAS**, the Williamson County Sheriff’s Office participates in the United States Department of Justice Asset Forfeiture Program which authorizes the Attorney General to share federally forfeited property with participating law enforcement agencies; and

**WHEREAS**, the Williamson County Sheriff’s Office has received and deposited funds in the amount of \$75,000.00 to be utilized for the purchase and maintenance of law enforcement equipment; and

**NOW, THEREFORE, BE IT RESOLVED**, that the 2016-17 Sheriff’s Office budget be amended, as follows:

**REVENUES:**

LGIP Account #67- Sheriff Equitable Share **\$ 75,000**  
(101.00000.390000 .00000.00.00.00)

**EXPENDITURE:**

Vehicle Maintenance \$ 48,000  
(101.54110.533800.00000.00.00.00)  
Tactical Equipment \$ 22,000  
(101.54110.571600.00000.00.00.00)  
Vehicles \$ 5,000  
(101.54110.571800.00000.00.00.00)  
**\$ 75,000**

/s/ Barb Sturgeon  
County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**

Law Enforcement/Public Safety Committee For: 4 Against: 0  
Budget Committee For: 5 Against: 0

Resolution No. 11-16-13 passed by unanimous recorded vote, 23 ‘Yes’ and 0 ‘No’ as follows:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Dana Ausbrooks	Jeff Ford	David Landrum	Steve Smith
Tom Bain	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Brian Beathard	Betsy Hester	Thomas Little	Jack Walton
Bert Chalfant	Dwight Jones	Matt Milligan	Paul Webb
Sherri Clark	Ricky Jones	David Pair	Matt Williams
Kathy Danner	Todd Kaestner	Brandon Ryan	

**RESOLUTION NO. 11-16-19**

Commissioner Ausbrooks moved to accept Resolution No. 11-16-19, seconded by Commissioner Dwight Jones.

**RESOLUTION APPROPRIATING AND AMENDING THE 2016-17 GENERAL SESSIONS DUI COURT BUDGET BY \$ 325,000 – REVENUES TO COME FROM FEDERAL GRANT FUNDS**

**WHEREAS**, Williamson County, Tennessee (“County”), is a governmental entity of the State of Tennessee and, as such, is authorized to enter into grant agreements with state and federal agencies; and

**WHEREAS**, the General Sessions DUI Court (“DUI Court”) received a grant from the Substance Abuse and Mental Health Services Administration for the DUI

treatment program which was approved by the Board of Commissioners on October 13, 2014; and

**WHEREAS,** the grant was for a total of \$975,000.00 to be paid in three annual installments of \$325,000.00 conditioned on the funds being used for a DUI treatment program pursuant to the conditions set forth by the notice of award and the terms and conditions of the grant agreement; and

**WHEREAS,** this is the third year of the three year installments and there are no matching Williamson County funds attached to the grant agreement; and

**WHEREAS,** the Williamson County Board of Commissioners finds it in the interest of the citizens of Williamson County to authorize the Williamson County Mayor to execute any agreements or documents needed to receive the funds from the Substance Abuse and Mental Health Services Administration:

**NOW, THEREFORE, BE IT RESOLVED,** that the Williamson County Board of Commissioners, meeting in regular session this the 14th day of November, 2016, authorizes the Williamson County Mayor to execute any documents required to accept the grant funds, if any, and amends the 2016-17 General Sessions DUI Court Budget as follows:

**REVENUES:**

Federal Grants-  
Gen Sessions DUI Court **\$325,000**  
(101.00000.479900.00000.00.00.00.G0029)

**EXPENDITURES:**

Other Federal Grants-  
Gen Sessions DUI Court **\$325,000**  
(101.53300.530903.00000.00.00.00)

/s/ Dana Ausbrooks  
County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**

Budget Committee For:  5  Against:  0

Resolution No. 11-16-19 passed by unanimous recorded vote, 23 'Yes' and 0

'No' as follows:

YES	YES	YES	YES
Dana Ausbrooks	Jeff Ford	David Landrum	Steve Smith
Tom Bain	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Brian Beathard	Betsy Hester	Thomas Little	Jack Walton
Bert Chalfant	Dwight Jones	Matt Milligan	Paul Webb
Sherri Clark	Ricky Jones	David Pair	Matt Williams
Kathy Danner	Todd Kaestner	Brandon Ryan	

**RESOLUTION NO. 11-16-20**

Commissioner Ausbrooks moved to accept Resolution No. 11-16-20, seconded by Commissioner Dwight Jones.

**RESOLUTION APPROPRIATING AND AMENDING THE 2016-17  
COUNTY CLERK’S BUDGET BY \$14,000 - REVENUES  
TO COME FROM RESERVE ACCOUNT**

**WHEREAS**, the County Clerk’s Office is in need of various computer and printing equipment and supplies; and,

**WHEREAS**, there are reserve funds available for the purchase of this equipment which are derived from filing fees;

**NOW, THEREFORE, BE IT RESOLVED**, that the 2016-17 County Clerks Office budget be amended, as follows:

**REVENUES:**

Automatic Reserve County Clerk  
101.00000.341690.00000.00.00.00 **\$ 14,000**

**EXPENDITURES:**

Office Equipment  
101.52500.571901.00000.00.00.00 **\$ 14,000**  
**\$ 14,000**

/s/ Dana Ausbrooks  
County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**

Budget Committee For:  5  Against:  0

Resolution No. 11-16-20 passed by unanimous recorded vote, 23 ‘Yes’ and 0 ‘No’ as follows:

YES	YES	YES	YES
Dana Ausbrooks	Jeff Ford	David Landrum	Steve Smith
Tom Bain	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Brian Beathard	Betsy Hester	Thomas Little	Jack Walton
Bert Chalfant	Dwight Jones	Matt Milligan	Paul Webb
Sherri Clark	Ricky Jones	David Pair	Matt Williams
Kathy Danner	Todd Kaestner	Brandon Ryan	

**RESOLUTION NO. 11-16-21**

Commissioner Chalfant moved to accept Resolution No. 11-16-21, seconded by Commissioner Ausbrooks.

**RESOLUTION APPROPRIATING AND AMENDING THE 2016-17  
ANIMAL CONTROL DEPARTMENT BUDGET BY \$3,268.18 - REVENUES**

**TO COME FROM RESERVE ACCOUNT**

**WHEREAS,** during the prior fiscal year, Williamson County Animal Control received private donations to be utilized for special programs and needs of the Animal Control facility; and

**WHEREAS,** these donations and fines were not fully expended and were rolled into the fiscal year-end Reserve Account and are not a part of the current operating budget; and

**WHEREAS,** there is a need to expend part of these funds for the purchase and installation of emergency lights and radios for a new Animal Control vehicle; and

**NOW, THEREFORE, BE IT RESOLVED,** that the 2016-17 Animal Control budget be amended, as follows:

**REVENUES:**

Reserve – Animal Control Donations  
(101.00000.351601.00000.00.00.00) **\$3,268.18**

**EXPENDITURES:**

Other Capital Outlay  
(101.55190.579900.00000.00.00.00) **\$3,268.18**

/s/ Dana Ausbrooks  
County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**

Budget Committee For: 5 Against: 0

Resolution No. 11-16-21 passed by unanimous recorded vote, 23 ‘Yes’ and 0 ‘No’ as follows:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Dana Ausbrooks	Jeff Ford	David Landrum	Steve Smith
Tom Bain	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Brian Beathard	Betsy Hester	Thomas Little	Jack Walton
Bert Chalfant	Dwight Jones	Matt Milligan	Paul Webb
Sherri Clark	Ricky Jones	David Pair	Matt Williams
Kathy Danner	Todd Kaestner	Brandon Ryan	

**OTHER**

**RESOLUTION NO. 11-16-8**

Commissioner Landrum moved to accept Resolution No. 11-16-8, seconded by Commissioner Ryan.

**RESOLUTION AMENDING THE RULES, REGULATIONS AND PROCEDURES OF THE WILLIAMSON COUNTY BOARD OF COMMISSIONERS CONCERNING CALLING THE QUESTION FOUND UNDER RULE 5.4**

**WHEREAS,** pursuant to Rule 11 of the Rules, Regulations and Procedures (“Rules”) for the Williamson County Board of Commissioners, a rule shall remain in effect until such time as it is appealed or amended; and

**WHEREAS,** Rule 11 provides that if a rule is repealed or amended during the October or November County Commission meeting it requires only a majority vote and not a two-thirds majority vote; and

**WHEREAS,** Rule 5.4 of the Rules provides that the call of the question can be passed with 13 votes of the County Commission; and

**WHEREAS,** Robert’s Rules of Order provides that the call of the question requires 2/3 majority vote to ensure a temporary majority of only one does not deny the remaining members an opportunity to debate on a matter before the Commission therefore the motion is to be used sparingly; and

**WHEREAS,** in light of Robert’s Rules of Order, the Williamson County Board of Commissioners, on recommendation from the Rules Committee, finds that amending the Rules to require a call of the question and a 2/3 majority vote would be appropriate and in accordance with the spirit of legislative deliberation:

**NOW, THEREFORE, BE IT RESOLVED,** that the Williamson County Board of Commissioners, meeting in regular session this the 14<sup>th</sup> day of November, 2016, by a majority vote and upon recommendation of the Rules Committee, makes the following revisions to Rule 5.4 of the Rules, Regulations & Procedures for the Williamson County Board of Commissioners:

Amend Rule 5.4. to include the following sentences at the end of the current paragraph:

The motion to call of the question shall require a two-thirds majority vote to be effective.

**AND BE IT FURTHER RESOLVED,** that upon approval of this resolution and its signing, the Board of Commissioners directs the County Clerk’s Office to make the revisions to the Rules, Regulations and Procedures of the Board of County Commissioners.

/s/ David Landrum  
County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**

Rules Committee For: 3 Against: 2

Commissioner Little moved to amend the Resolution by requiring a 2/3 majority vote of present members. Seconded by Commissioner Ricky Jones.

Commissioner Beathard stated that he prefers the Resolution to stay as it is currently.

The amendment passed by recorded vote, 17 ‘Yes’ and 6 ‘No’ as follows:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>NO</u>
Tom Bain	Todd Kaestner	Brandon Ryan	Dana Ausbrooks
Bert Chalfant	David Landrum	Steve Smith	Brian Beathard
Sherri Clark	Gregg Lawrence	Barb Sturgeon	Judy Herbert
Kathy Danner	Thomas Little	Paul Webb	Betsy Hester
Jeff Ford	Matt Milligan	Matt Williams	Dwight Jones
Ricky Jones	David Pair		Jack Walton

Commissioner Milligan stated that the change was proposed by the Rules Committee to ensure that the motion is used sparingly and allow discussion by the Commission. He also stated that next year's Rules Committee could re-visit the issue if it deems it necessary to make an adjustment.

Commissioner Ryan called for the question. Seconded by Commissioner Chalfant.

The motion passed by unanimous voice vote.

Resolution No. 11-16-8, as amended, passed by recorded vote, 13 'Yes' and 10 'No' as follows:

<u>YES</u>	<u>YES</u>	<u>NO</u>	<u>NO</u>
Brian Beathard	Gregg Lawrence	Dana Ausbrooks	Steve Smith
Bert Chalfant	Thomas Little	Tom Bain	Jack Walton
Sherri Clark	Matt Milligan	Judy Herbert	Matt Williams
Kathy Danner	Brandon Ryan	Betsy Hester	
Jeff Ford	Barb Sturgeon	Dwight Jones	
Ricky Jones	Paul Webb	David Landrum	
Todd Kaestner		David Pair	

#### RESOLUTION NO. 11-16-9

Commissioner Landrum moved to accept Resolution No. 11-16-9, seconded by Commissioner Little.

#### **RESOLUTION AMENDING THE RULES, REGULATIONS AND PROCEDURES OF THE WILLIAMSON COUNTY BOARD OF COMMISSIONERS CONCERNING THE CONSENT AGENDA FOUND UNDER RULE 3.9**

**WHEREAS**, pursuant to Rule 11 of the Rules, Regulations and Procedures ("Rules") for the Williamson County Board of Commissioners, a rule shall remain in effect until such time as it is appealed or amended; and

**WHEREAS**, Rule 11 provides that if a rule is appealed or amended during the October or November County Commission meeting it requires only a majority vote and not a two-thirds majority vote; and

**WHEREAS,** Rule 3.9 of the Rules defines those resolutions and actions that may be included on the consent agenda; and

**WHEREAS,** the County Commission periodically approves easements that are requested by utility companies and are on form easement documents; and

**WHEREAS,** it's the intent of the County Commission to streamline approval of easement requests that are on forms that have been approved by prior County Commission action:

**NOW, THEREFORE, BE IT RESOLVED,** that the Williamson County Board of Commissioners, meeting in regular session this the 14<sup>th</sup> day of November, 2016, by a majority vote and upon recommendation of the Rules Committee, makes the following revisions to Rule 3.9 of the Rules, Regulations & Procedures for the Williamson County Board of Commissioners:

Amend Rule 3.9 to include the language underlined and italicized below so the paragraph reads:

The consent agenda shall include those items which are typically considered routine items. The items that may be included on the consent agenda shall be those items concerning the acceptance of roads into the county road system, funds in lieu of, authorization to sign addendums to annual lease agreements which do not materially alter the purpose of the lease agreement, memorandums of understanding that do not involve the appropriation of funds or that which are otherwise required to be approved pursuant to Tennessee Law, list of notaries, *easements provided by utility or communication companies that are on a form easement document that has been approved by prior County Commission action.* and authorizations to sign service agreements that do not exceed the current *fiscal* year. New lease agreements, interlocal agreements, and agreements for services with terms exceeding the present budget year shall not be considered routine agreements to be included on the consent agenda. Nothing in this section shall limit a County Commissioner's ability to request any item be pulled from the consent agenda to be discussed and separate action taken.

**AND BE IT FURTHER RESOLVED,** that upon approval of this resolution and its signing, the Board of Commissioners directs the County Clerk's Office to make the revisions to the Rules, Regulations and Procedures of the Board of County Commissioners.

/s/ David Landrum  
County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**

Rules Committee For: 4 Against: 0

Resolution No. 11-16-9 passed by unanimous recorded vote, 23 'Yes' and 0 'No'

as follows:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Dana Ausbrooks	Jeff Ford	David Landrum	Steve Smith
Tom Bain	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Brian Beathard	Betsy Hester	Thomas Little	Jack Walton
Bert Chalfant	Dwight Jones	Matt Milligan	Paul Webb
Sherri Clark	Ricky Jones	David Pair	Matt Williams
Kathy Danner	Todd Kaestner	Brandon Ryan	

RESOLUTION NO. 11-16-14

Commissioner Sturgeon moved to accept Resolution No. 11-16-14, seconded by Commissioner Smith.

**RESOLUTION AUTHORIZING THE WILLIAMSON COUNTY MAYOR TO ENTER INTO A SITE LEASE AGREEMENT WITH WAKM AM-950 FOR SPACE ON A COUNTY OWNED TELECOMMUNICATIONS TOWER**

**WHEREAS**, a county may lease space on county owned telecommunications tower to any person, corporation, partnership, or association for such consideration and upon such terms as in the judgment of the governing body are in the interests of the county; and

**WHEREAS**, *Tennessee Code Annotated, Section 7-51-902*, permits Williamson County to agree to a long term lease provided that the lease does not exceed forty (40) years or the useful life of the improved property subject to satisfaction of the notice requirements defined in *Tennessee Code Annotated, Section 7-51-904*; and

**WHEREAS**, WAKM AM-950 has served the citizens of Williamson County since March of 1953; and

**WHEREAS**, WAKM AM-950 is moving its radio station from Mallory Station Road to a location on Carters Creek Pike; and

**WHEREAS**, to provide radio coverage to parts of Franklin, WAKM AM-950 needs to install two dish antennas on a telecommunications tower owned by Williamson County and located at the Williamson County Administrative Complex; and

**WHEREAS**, as consideration for use of the space WAKM AM-950 shall pay a fee, pay for the cost of electricity to the dish antennas, provide a generator at the transmitter site for the tower, and agrees to provide the capability to broadcast pertinent information during natural or man-made disasters from the Public Safety Center; and

**WHEREAS**, the Williamson County Board of Commissioners desires to grant the Williamson County Mayor the authority to enter into a site agreement with WAKM AM-950 to install and operate equipment on a telecommunications tower located at the Administrative Complex for an initial term of five (5) years with the ability to extend the lease for additional five (5) year terms, not to exceed a total term of forty (40) years; and

**WHEREAS**, pursuant to *Tennessee Code Annotated, Section 7-51-904*, notice of the meeting was published in a newspaper of general circulation no later than seven (7) days prior to the meeting identifying the real property, the term of the lease agreement, and contracting parties:

**NOW, THEREFORE, BE IT RESOLVED**, that the statutory notice has been given and that the Board of Commissioners, meeting in regular session this the 14<sup>th</sup> day of November, 2016, hereby authorizes the Williamson County Mayor to execute a site lease agreement, and any future amendments and addendums, with WAKM AM-950 for the lease of space on a telecommunication tower that is located at 1320 West Main Street, Franklin, Tennessee, 37064 for the installation and operation of dish antennas.

/s/ Barb Sturgeon  
County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**

Law Enforcement/Public Safety Committee	For: <u>  4  </u>	Against: <u>  0  </u>
Property Committee	For: <u>  6  </u>	Against: <u>  0  </u>
Budget Committee	For: <u>  5  </u>	Against: <u>  0  </u>

Resolution No. 11-16-14 passed by unanimous recorded vote, 23 'Yes' and 0

'No' as follows:

YES	YES	YES	YES
Dana Ausbrooks	Jeff Ford	David Landrum	Steve Smith
Tom Bain	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Brian Beathard	Betsy Hester	Thomas Little	Jack Walton
Bert Chalfant	Dwight Jones	Matt Milligan	Paul Webb
Sherri Clark	Ricky Jones	David Pair	Matt Williams
Kathy Danner	Todd Kaestner	Brandon Ryan	

**RESOLUTION NO. 11-16-15**

Commissioner Webb moved to accept Resolution No. 11-16-15, seconded by Commissioner Little.

**RESOLUTION AUTHORIZING THE WILLIAMSON COUNTY MAYOR TO EXECUTE A LICENSE AGREEMENT WITH WILLIAMSON SQUARE ASSOCIATES LIMITED PARTNERSHIP**

**WHEREAS,** the Williamson County Board of Commissioners has the authority to approve license agreements for the use of property for governmental purposes; and

**WHEREAS,** Williamson Square Associates Limited Partnership owns real property used for commercial businesses commonly referenced as "Williamson Square" which is located off of Murfreesboro Road (State Highway 96); and

**WHEREAS,** the Williamson County Solid Waste Department is currently using a portion of Williamson Square parking area to provide a collection site for recyclable materials; and

**WHEREAS,** a new license agreement is needed to provide the Solid Waste Department the ability to maintain its recycling bins at the current location to collect recyclable material for a monthly payment of \$200 with the ability to increase the annual rate subject to an agreed upon cap; and

**WHEREAS,** the Williamson County Board of Commissioners finds it is in the interest of the citizens of Williamson County to enter into a license agreement with Williamson Square Associates Limited Partnership for use of space on the Williamson Square property:

**NOW, THEREFORE, BE IT RESOLVED,** that the Williamson County Board of Commissioners, meeting in regular session this the 14<sup>th</sup> day of November, 2016,

authorizes the Williamson County Mayor to execute the license agreement and all other required documentation with Williamson Square Associates Limited Partnership to permit use of a portion of the Williamson Square property for the collection of recyclable materials.

/s/ Paul Webb  
County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**

Property Committee For: 6 Against: 0  
Budget Committee For: 5 Against: 0

Resolution No. 11-16-15 passed by unanimous recorded vote, 23 ‘Yes’ and 0 ‘No’ as follows:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Dana Ausbrooks	Jeff Ford	David Landrum	Steve Smith
Tom Bain	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Brian Beathard	Betsy Hester	Thomas Little	Jack Walton
Bert Chalfant	Dwight Jones	Matt Milligan	Paul Webb
Sherri Clark	Ricky Jones	David Pair	Matt Williams
Kathy Danner	Todd Kaestner	Brandon Ryan	

**RESOLUTION NO. 11-16-16**

Commissioner Webb moved to accept Resolution No. 11-16-16, seconded by Commissioner Little.

**RESOLUTION AUTHORIZING THE WILLIAMSON COUNTY MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF FRANKLIN CONCERNING PERFORMANCE SURETY ON COUNTY PROJECTS**

**WHEREAS,** Williamson County and the City of Franklin are governmental entities of the State of Tennessee and, as such, are authorized to enter into interlocal agreements pursuant to *Tennessee Code Annotated, Section 12-9-104*; and

**WHEREAS,** the City regulates residential and nonresidential construction in the City’s boundaries including requiring performance surety for landscape; and

**WHEREAS,** the purpose of the performance surety is to ensure certain improvements are completed; and

**WHEREAS,** the City and County previously negotiated an interlocal agreement to waive the requirement of performance agreements and posting sureties conditioned on the satisfactory completion of landscape improvements as agreed by the parties; and

**WHEREAS,** the City and County have agreed to expand the waiver to encompass all performance agreements and sureties for County projects conditions on the satisfactory completion of project related improvements as agreed by the parties; and

**WHEREAS**, the Williamson County Board of Commissioners has determined that it is in the best interest of the citizens of Williamson County to authorize the County Mayor to execute the interlocal agreement with the City of Franklin:

**NOW, THEREFORE, BE IT RESOLVED**, that the Williamson County Board of Commissioners, meeting in regular session, this the 14<sup>th</sup> day of November, 2016, hereby authorizes the County Mayor to execute the interlocal agreement with the City of Franklin, concerning waiver of performance agreements and surety requirements as well as any subsequent amendments which do not materially alter the interlocal agreement terms and all other related documents reasonably required to fulfill the intent of this resolution.

/s/ Paul Webb  
County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**

Property Committee	For: <u>  6  </u>	Against: <u>  0  </u>
Budget Committee	For: <u>  5  </u>	Against: <u>  0  </u>

Resolution No. 11-16-16 passed by unanimous recorded vote, 23 ‘Yes’ and 0

‘No’ as follows:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Dana Ausbrooks	Jeff Ford	David Landrum	Steve Smith
Tom Bain	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Brian Beathard	Betsy Hester	Thomas Little	Jack Walton
Bert Chalfant	Dwight Jones	Matt Milligan	Paul Webb
Sherri Clark	Ricky Jones	David Pair	Matt Williams
Kathy Danner	Todd Kaestner	Brandon Ryan	

**RESOLUTION NO. 11-16-17**

Commissioner Webb moved to accept Resolution No. 11-16-17, seconded by Commissioner Dwight Jones.

**RESOLUTION AUTHORIZING THE WILLIAMSON COUNTY MAYOR TO DEED REAL PROPERTY TO THE CITY OF FAIRVIEW BY QUITCLAIM DEED TO BE USED FOR A PUBLIC PURPOSE**

**WHEREAS**, Williamson County (“County”), is a governmental entity that owns real property in Fairview as evidenced by the Quitclaim Deed found in Book 4672, Page 247 of the Williamson County Register’s Office; and

**WHEREAS**, the County received the real property from the City of Fairview to be used for the construction of soccer and football fields;

**WHEREAS**, the quitclaim deed includes a revisionary clause that provides the property will revert back to the City of Fairview should the County fail to complete construction of soccer and football fields for the use of the public within 12 months of the date the instrument was recorded in the Register’s Office of Williamson County; and

**WHEREAS**, the period to construct the fields has lapsed and the City of Fairview is requesting the property to be quitclaimed back to the City; and

**WHEREAS**, the Williamson County Board of Commissioners finds it in the interest of the citizens of Williamson County to authorize the Williamson County Mayor to execute the quitclaim deed and all documents required to transfer ownership of the real property back to the City of Fairview:

**NOW, THEREFORE, BE IT RESOLVED**, that the Williamson County Board of Commissioners, meeting in regular session this the 14<sup>th</sup> day of November, 2016, authorizes the Williamson County Mayor to execute the attached quitclaim deed and all other documents necessary to transfer the ownership of the real property located at Book 4672, Page 247 in the Register's Office of Williamson County.

/s/ Paul Webb  
County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**  
Property Committee For: 6 Against: 0

Resolution No. 11-16-17 passed by unanimous recorded vote, 23 'Yes' and 0 'No' as follows:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Dana Ausbrooks	Jeff Ford	David Landrum	Steve Smith
Tom Bain	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Brian Beathard	Betsy Hester	Thomas Little	Jack Walton
Bert Chalfant	Dwight Jones	Matt Milligan	Paul Webb
Sherri Clark	Ricky Jones	David Pair	Matt Williams
Kathy Danner	Todd Kaestner	Brandon Ryan	

**RESOLUTION NO. 11-16-22**

Commissioner Webb moved to accept Resolution No. 11-16-22, seconded by Commissioner Little.

**RESOLUTION AUTHORIZING THE COUNTY MAYOR TO EXECUTE A QUITCLAIM DEED WITH THE WILLIAMSON COUNTY BOARD OF EDUCATION TO TRANSFER OWNERSHIP OF THE PROPERTY PREVIOUSLY USED BY THE COLUMBIA STATE COMMUNITY COLLEGE FACILITY**

**WHEREAS**, Williamson County purchased improved property from the Tennessee Board of Regents located at 104 Claude Yates Drive, Franklin, Tennessee, and found at Map 63, Parcel 19.01 ("Property"); and

**WHEREAS**, the Williamson County Board of Education ("School Board") is authorized by Tennessee Code Annotated, Section 49-6-2006(a) to receive donations of property from any source for the benefit of the public schools; and

**WHEREAS**, the School Board previously sold the Property to be used by the Tennessee Board of Regents for Columbia State Community College but has since determined the need for the Property; and

**WHEREAS,** the Williamson County Mayor received a letter dated November 20, 2015 from Dr. Mike Looney expressing the School Board’s interest in reacquiring the Property; and

**WHEREAS,** the School Board intends to use the Property for school and/or other public purposes; and

**WHEREAS,** finding it to be in the interest of the citizens of Williamson County, the Williamson County Board of Commissioners authorizes the County Mayor to transfer ownership of the Property to the School Board:

**NOW THEREFORE, BE IT RESOLVED,** that the Board of Commissioners, meeting in regular session this 14<sup>th</sup> day of November, 2016, hereby authorizes the County Mayor to transfer ownership of the improved property located at 104 Claude Yates Drive, Franklin, Tennessee, and found at Map 63, Parcel 19.01 by quitclaim deed from Williamson County, Tennessee to the Williamson County Board of Education.

/s/ Paul Webb  
County Commissioner

**COMMITTEES REFERRED TO AND ACTION TAKEN:**

Property Committee	For: <u>6</u>	Against: <u>0</u>	
Education Committee	For: <u>5</u>	Against: <u>0</u>	
Budget Committee	For: <u>5*</u>	Against: <u>0</u>	*Defer until January

Commissioner Ausbrooks moved to defer Resolution No. 11-16-22 until the January 9, 2017, Commission meeting. Seconded by Commissioner Dwight Jones.

Commissioner Sturgeon stated her support to defer the Resolution.

The motion to defer Resolution No. 11-16-22 until the January 9, 2017, Commission meeting passed by recorded vote, 22 ‘Yes’ and 1 ‘No’ as follows:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Dana Ausbrooks	Judy Herbert	Gregg Lawrence	Barb Sturgeon
Tom Bain	Betsy Hester	Thomas Little	Jack Walton
Brian Beathard	Dwight Jones	Matt Milligan	Paul Webb
Sherri Clark	Ricky Jones	David Pair	Matt Williams
Kathy Danner	Todd Kaestner	Brandon Ryan	<u>NO</u>
Jeff Ford	David Landrum	Steve Smith	Bert Chalfant

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Commissioner Webb moved to adjourn, seconded by Commissioner Little.

Motion passed by unanimous voice vote.

Meeting Adjourned- 10:45 p.m.